

# Application No. 8

## Commission District 11    Community Council 11

### APPLICATION SUMMARY

Applicant/Representative(s): Neighborhood Planning Company, LLC/Joseph G. Goldstein, Esq., Richard A. Perez, Esq. and Hugo P. Arza, Esq.

Location: Southeast corner of SW 88 Street (Kendall Drive) and SW 177 Avenue (Krome Avenue)

Total Acreage: ±61.1 Gross Acres (±53.4 Net Acres)

Current Land Use Plan Map Designation: "Agriculture"

Requested CDMP Amendments/Land Use Plan Map Designations:

1. Expand the 2020 Urban Development Boundary (UDB) to include the application site
2. Redesignate Parcel A (±51.1 gross acres) of application site to "Industrial and Office"
3. Redesignate Parcel B (±10.00 gross acres) of application site to "Business and Office"
4. Add a Proffered Declaration of Restrictions in the Restrictions Table in Appendix A on Page I-95 of the CDMP Land Use Element, if approved by the Board of County commissioners

Amendment Type: Standard

Existing Zoning District/Site Condition: GU (Interim) and AU (Agriculture)/cropland

### RECOMMENDATIONS

Staff: **DENY AND DO NOT TRANSMIT** (September 2015)

West Kendall Community Council (11): **TRANSMIT AND ADOPT WITH ACCEPTANCE OF THE PROFFERED DECLARATION OF RESTRICTIONS** (September 29, 2015)

Planning Advisory Board (PAB)  
Acting as the Local Planning Agency: **TO BE DETERMINED** (October 19, 2015)

Board of County Commissioners: **TO BE DETERMINED.** (November 18, 2015).

Final Action of Board of County Commissioners: **TO BE DETERMINED** (February/March 2016)

Staff recommends **DENY AND DO NOT TRANSMIT** the proposed standard amendment to the Comprehensive Development Master Plan (CDMP) Adopted 2020-2030 Land Use Plan (LUP) map. The application seeks to expand the Urban Development Boundary (UDB) to include the application site, redesignate the site from “Agriculture” to “Industrial and Office” on the ±51.1 gross acres Parcel A:) and “Business and Office” on the ±10.0 gross acres Parcel B, and to add the proffered Declaration of Restrictions to the Land Use Element. Staff’s recommendation on the application is based on the following reasons:

### **Principal Reasons for Recommendation**

1. The application proposes changes to the CDMP and developments that are contrary to and inconsistent with the provisions of the CDMP for determining when to add lands to the 2020 Urban Development Boundary (UDB). The application seeks to facilitate the development of approximately 850,000 square feet of non-residential urban development, which would include industrial and office uses on Parcel A and retail uses on Parcel B of the application site. The CDMP Land Use Element Policy LU-8G requires that before considering expansion of the UDB, it must first be demonstrated that there is a need to add land to the UDB, in accordance with Land Use Element Policy LU-8F. Policy LU-8F requires the UDB to contain adequate developable land having the capacity to accommodate the County’s projected economic growth. The policy states that the adequacy of non-residential (commercial and/or industrial) land supplies shall be determined on the basis of land supplies in Subareas of the County appropriate to the type of use, as well as the countywide supply within the UDB. Therefore, in addition to the countywide supply, the adequacy of commercial land is determined by Minor Statistical Areas (MSAs) and combinations thereof and the adequacy of industrial land is determined by planning analysis tiers, half-tiers and combinations thereof. Depletion of the non-residential land supply at or after the planning horizon of the UDB (currently year 2020) indicates there is no need to add lands within the UDB for such uses.

The Supply and Demand Analysis, prepared by staff and contained herein on pages 15 through 17, demonstrates that there is adequate commercial land within the UDB to sustain economic growth beyond the year 2030 at the countywide level and to the year 2028 in the commercial study area in which the application site is located (combined MSAs 6.1 and 6.2; the site is located in MSA 6.2 and abuts MSA 6.1). The countywide supply of industrial land within the planning analysis tier where the application is located has the capacity to sustain industrial growth to the year 2021, and there is adequate countywide supply industrial land to sustain industrial growth beyond the year 2030. Pursuant to Policy LU-8G there is no demonstrated need to expand the UDB for the requested uses, and therefore, the development proposed in the application is premature and unwarranted at this time.

2. Contrary to Policy LU-8G discussed above, the application states that there is a need to expand the UDB to add industrial and commercial land within the UDB to facilitate economic growth. The application outlines that although there is adequate commercial land within the UDB to sustain economic growth to year 2030, there are few large tracts, such as the ±10-acre commercial site proposed in the application, that are at the intersection two major roadways. The application further states that MSA 6.2 is underserved by industrial uses and points out that:

*“...the bulk of the available industrial land in MSA 6.2 is adjacent to the Miami Executive Airport (formerly Kendall Tamiami Airport) and is characterized by development that is more geared for small businesses that operate out of smaller bays and warehouse space. While important contributors to the economy, these businesses do not create the type and quantity of jobs that might help sustain robust*

*industrial employment centers (such as those around Miami International Airport and the City of Doral) that can alleviate the needs of a community that must commute long distances from their homes to centers of employment”.*

The application does not provide adequate data and analysis to demonstrate that the proposed development could generate a “robust industrial employment center”, such as in the City of Doral or around the Miami International airport. Given the site’s size (±53.4 net acres), location and limited roadway access compared to the above referenced employment centers, it is unclear how approval of the application could result in the development of a “robust industrial employment center” as referenced above.

It must be pointed out that the industrial employment centers adjacent to the Miami International Airport and within the City of Doral have significant expressway access through State Road 836/Dolphin Expressway, the Turnpike/State Road 821 and the State Road 826/Palmetto Expressway. In addition, the Airport area is served by significant mass transit including commuter rail and cargo rail. Unlike these industrial employment centers, the application site is accessed from two roadways, Krome Avenue that is to be widened to a four-lane roadway and Kendall Drive. In addition to being inconsistent with the Policies LU-8F and LU-8G for when to add lands to the UDB, the application also fails to demonstrate that the proposed development could not be facilitated on land currently within the UDB, such as the area adjacent to the Miami Executive Airport.

3. The application inappropriately cites the “West End Strategy: A Vision for the Future” (West End Study) published by the Florida International University in 2015 as a reason for the amendment. The application states that the inclusion of the subject property within the UDB would promote the establishment of a large employment center proximate to a future population of 400,000 and would provide an opportunity to reverse commute direction of residents in the west Kendall area. The referenced West End Study encompasses the area between SW 8 Street and SW 152 Street and between the Florida Turnpike and Krome Avenue/SW 177 Avenue. Actually, the West End Study highlights that there is an over-abundance of retail development in the area of its study especially along the Kendall Drive corridor and notes that most of the retail developments are developed in commercial-strip form, a pattern that is “highly land intensive, and out of step with the provisions of the CDMP” (last paragraph on page 71 of the West End Study). The West End Study did not identify or demonstrate that there is a need to expand the UDB to accommodate additional industrial and commercial land. Rather, the West End Study recommends repurposing underutilized properties for redevelopment and identified that an employment center should be developed adjacent the Miami Executive Airport on “relatively underutilized” land.
4. The development proposed in the application is not consistent with the CDMP Land Use Element Policy LU-1G which provides that business developments shall preferably be placed in clusters or nodes in the vicinity of major roadway intersections, and not in continuous strips or as isolated spots. The policy further provides that the granting of commercial or other non-residential zoning by the County is not necessarily warranted on a given property by virtue of nearby or adjacent roadway construction or expansion, or by its location at the intersection of two roadways. Commercial nodes should be located in the center of their market areas and not at the edge. The proposed development is including the ±10-acre retail development proposed in the application would be located at the western extremity of the west Kendall market area, approximately 1-mile east of the Everglades National Park.

5. The application proposes industrial and commercial development within the West Wellfield Protection Area, one of the County's most significant water supply sources, which could jeopardize the long term viability of the wellfield including the County's ability to expand potable water production to meet future needs. Land uses that handle, use, generate, dispose of or store hazardous materials and hazardous waste are prohibited within the West Wellfield protection area per Section 24-43, of the Miami-Dade County Code.

Approval of the application would be inconsistent with several policies in the CDMP including Policy LU-3B that requires the protection of all significant natural resources and systems such as the West Wellfield from incompatible land uses, Objective CON-2 that requires the protection of ground and surface water resources, Policy CON-3B that requires water management systems that recharge regional wellfields to be protected and enhanced. Furthermore, Objective CON-4 states that the "aquifer recharge and water storage capacity of the presently undeveloped areas in western and southern Miami-Dade County, which include the application site, shall be maintained or increased. The CDMP Water, Sewer and Solid Waste Element Policy WS-1D requires the County to protect the integrity of groundwater within the wellfield protection areas, and Objective WS-6 and Policies WS-6B and WS-6D require the County to take the steps necessary to assure that all viable potable water wellfields in the County remain available for use and for future expansion through measures that include, but not limited to, the expansion of the County's wellfield protection measures.

The Applicant's proffered Declaration of Restrictions (covenant) does not adequately address the potential impacts on the West Wellfield that would result from developing the site as requested. The covenant would prohibit residential development on the application site and limit development to a maximum of 850,000 square feet (approximately 1.1 million square feet of development could be built if the application were approved without the covenant). The covenant also provides that no hazardous materials may be generated, stored, disposed of or handled on the property with the exception of pre-packaged consumer products intended for domestic use. However, neither the proffered covenant nor the application discusses how such products may be handled or utilized on the application site, therefore, the application is not consistent with the above referenced CDMP Objectives WS-6, CON-2 and CON-4, Policies LU-3B, CON-3A, WS-1D, WS-6B, and WS-6D, that require protection of the West Wellfield.

6. The southeastern portion of the property contains wetlands which may contain archaeological resources and may represent a high to medium archaeological probability zones and. If approved, could impact historical and environmental resources. The Office of Historic Preservation of the Regulatory and Economic Resources Department has determined that the applicant is to retain the services of a professional archaeologist to conduct a Phase I Archaeological Assessment of the application area. Additionally, the wetlands may provide habitat for federally threatened and endangered species such as the eastern indigo snake and the bonneted bat.
7. The application proposes the premature and unwarranted development of viable agricultural lands that is currently in agricultural production. Notwithstanding the fact the application site is located within the 2030 Urban Expansion Area where urban development beyond the 2020 UDB may be warranted at some time in the future, the ±61-acre site is in agricultural production and there is no demonstrated need at this time to expand the UDB to facilitate the economic growth in the County as proposed in the application. The CDMP Land Use Element Policy LU-1P provides that the county is to protect and promote agriculture as viable economic

activity and the premature and unwarranted conversion of the agricultural land is not consistent with this policy.

8. The Miami-Dade County Strategic Plan and the CDMP call for the promotion of urban infill and redevelopment while discouraging urban sprawl. In addition, Chapter 163.3177(6)9, Florida Statutes (F.S.), requires Future Land Use Element and amendments to the Future Land Use Element to discourage urban sprawl. The statute provides 13 indicators that a plan or plan amendment does not discourage the proliferation of urban sprawl and 8 indicators that a plan or plan amendment discourages the proliferation of urban sprawl. The Statute further provides that a Future Land Use Element or plan amendment shall be deemed to discourage the proliferation of urban sprawl if it incorporates a development pattern or urban form that achieves 4 or more of the 8 indicators for the discouragement of urban sprawl.

Staff's review indicates that the application does not achieve any of the 8 indicators for the discouragement of urban sprawl but achieves 7 indicators for the encouragement of urban sprawl. Pursuant to Chapter 163.3177(6)9, F.S., the proposed development of the application site, if the application is approved, would not discourage urban sprawl, but instead, would encourage the proliferation of urban sprawl. Therefore, approval of the application would be in contravention of both the Florida statutory requirement as well as the County's Strategic Plan and CDMP requirements to discourage urban sprawl.

9. The Applicant submitted on September 18, 2015, the required traffic study analyzing the projected traffic impacts from the development on the roadway network. This late submittal of the required traffic study has not allowed for the analysis to be evaluated and addressed in this report. This report will be supplemented by the staff analysis of the traffic study when it is complete.

# APPLICATION NO. 8 AERIAL PHOTO



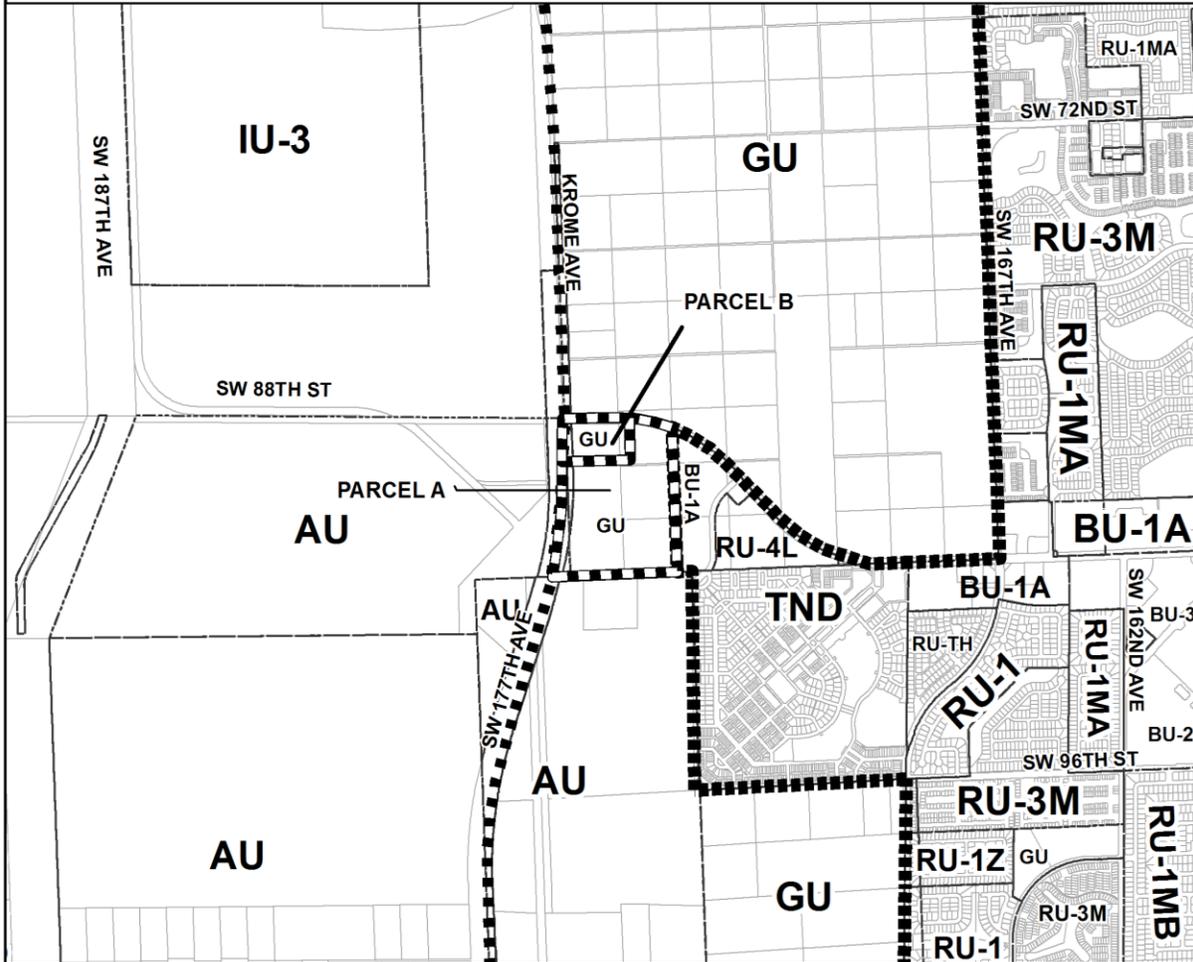
-  APPLICATION AREA
-  2020 URBAN DEVELOPMENT BOUNDARY
-  2030 URBAN EXPANSION AREA BOUNDARY

Source: Miami-Dade County  
Department of Regulatory and Economic Resources  
June 2015

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# APPLICATION 8 ZONING MAP

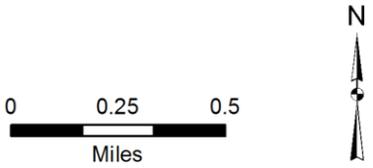


-  APPLICATION AREA
-  2020 URBAN DEVELOPMENT BOUNDARY
-  2030 URBAN EXPANSION AREA BOUNDARY

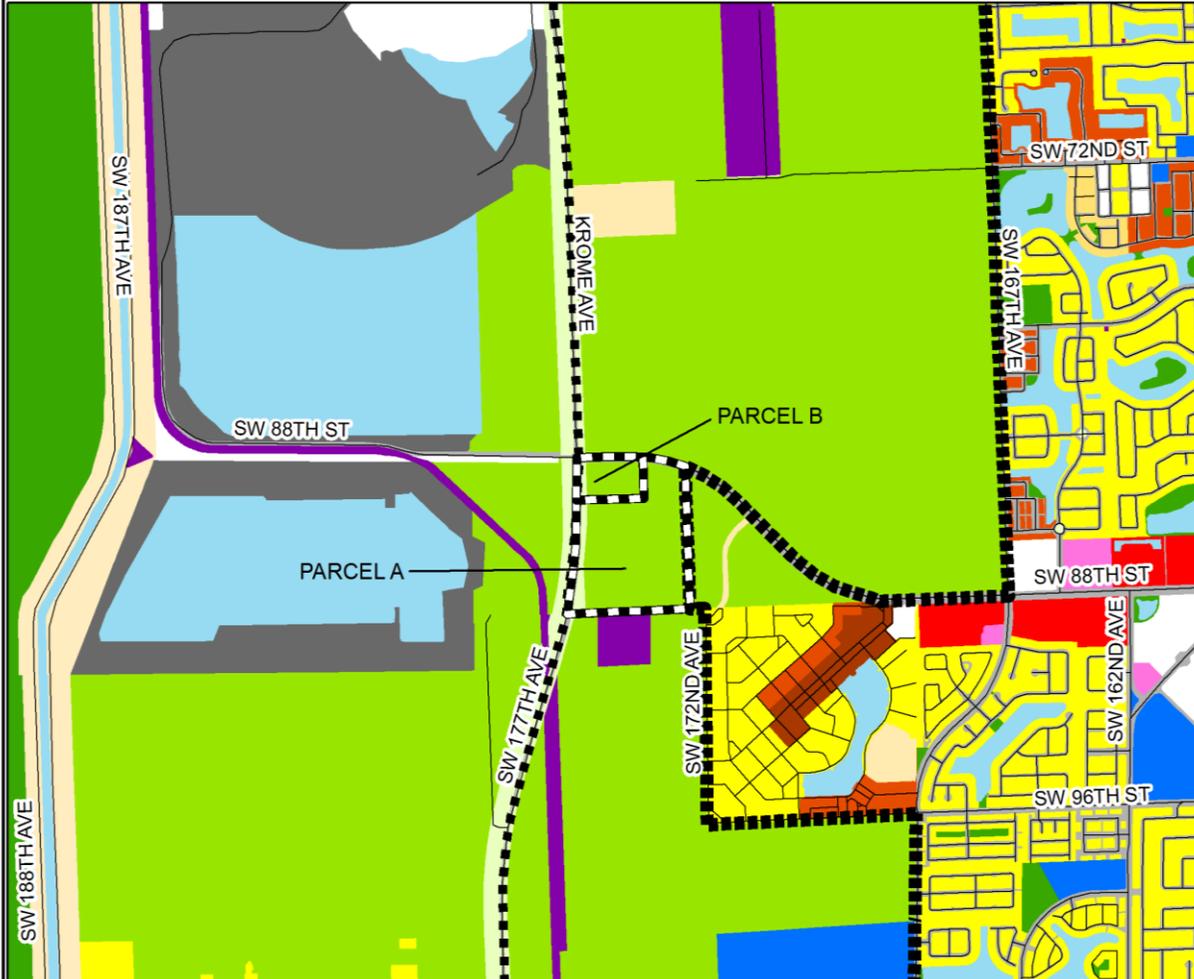
Source: Miami-Dade County  
Department of Regulatory and Economic Resources  
June 2015

**ZONING DISTRICTS**

AU	AGRICULTURAL / RESIDENTIAL 5 ACRES GROSS	RU-4L	LIMITED APARTMENT HOUSE DISTRICT
BU-1A	BUSINESS DISTRICTS, LIMITED	RU-TH	TOWNHOUSE
GU	INTERIM DISTRICT	TND	TRADITIONAL NEIGHBORHOOD DEVELOPMENT
IU-3	INDUSTRIAL DISTRICTS, UNLIMITED MANUFACTURING		
RU-1	SINGLE-FAMILY RESIDENTIAL		
RU-1(M)(A)	MODIFIED SINGLE-FAMILY RESIDENTIAL		
RU-1(M)(B)	MODIFIED SINGLE-FAMILY RESIDENTIAL		
RU-1Z	SINGLE-FAMILY RESIDENTIAL, ZERO LOT LINE		
RU-2	TWO-FAMILY RESIDENTIAL DISTRICT		
RU-3M	MINIMUM APARTMENT HOUSE		



# APPLICATION NO. 8 EXISTING LAND USE



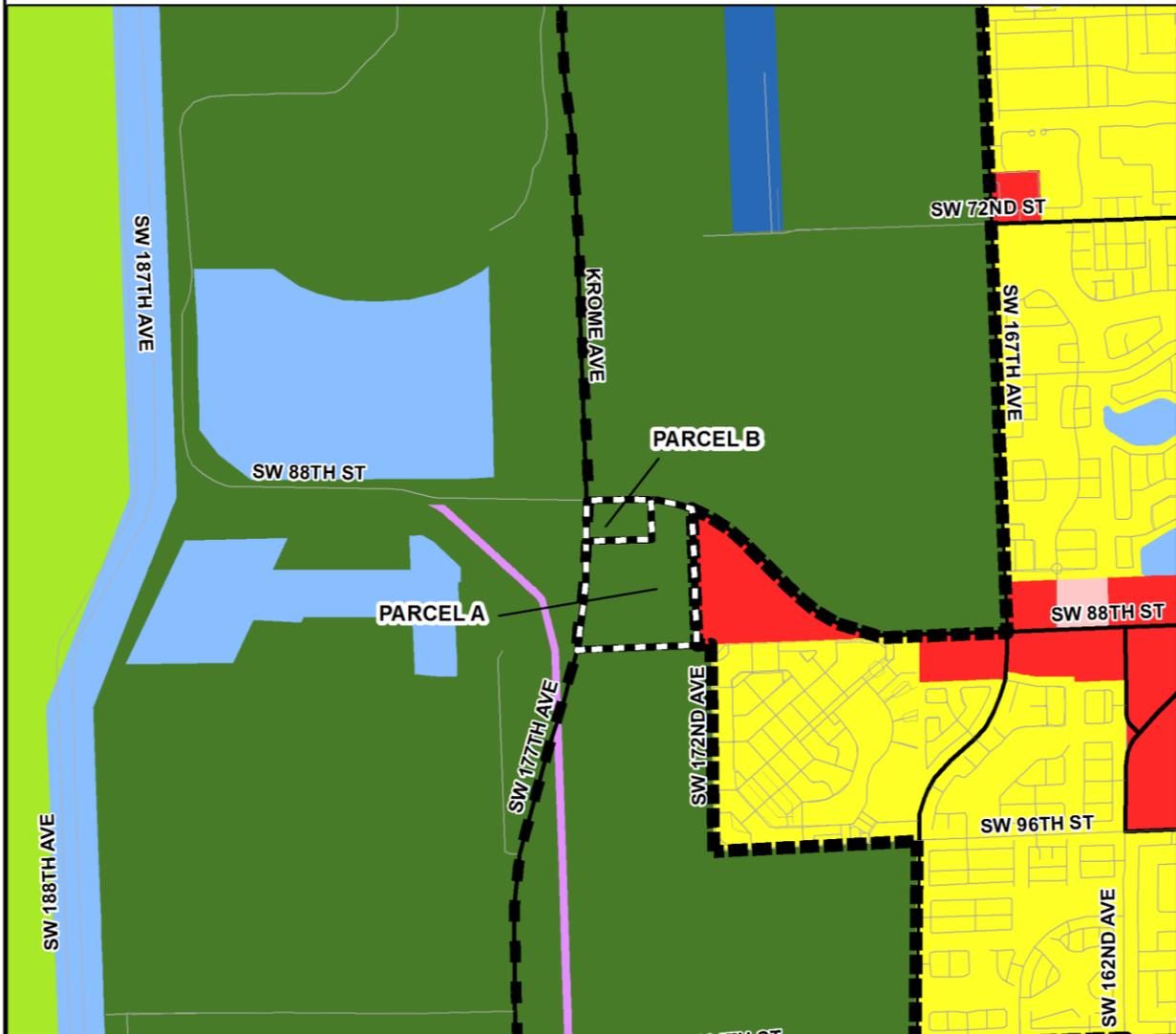
	APPLICATION AREA		
	2020 URBAN DEVELOPMENT BOUNDARY		
	2030 URBAN EXPANSION AREA BOUNDARY		
<b>EXISTING LAND USE</b>			COMMUNICATIONS, UTILITIES, TERMINALS
	SINGLE-FAMILY		STREETS, ROADS, EXPRESSWAYS, RAMPS
	TWO-FAMILY DUPLEXES		STREETS, EXPRESSWAY
	TOWNHOUSES		AGRICULTURE
	LOW-DENSITY MULTI-FAMILY		PARKS, PRESERVES, CONSERVATION AREAS
	COMMERCIAL, SHOPPING CENTERS		VACANT GOVERNMENT OWNED, UNPROTECTED
	OFFICE		VACANT PRIVATELY OWNED, UNPROTECTED
	INSTITUTIONAL		CANAL RIGHT-OF-WAY
	INDUSTRIAL EXTRACTION		INLAND WATERS

Source: Miami-Dade County  
Department of Regulatory and Economic Resources  
June 2015

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Miles

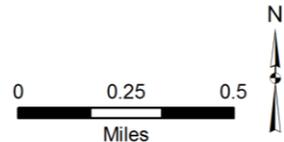


# APPLICATION NO. 8 CDMP LAND USE



Source: Department of Regulatory and Economic Resources  
June 2015

	APPLICATION AREA		
	2020 URBAN DEVELOPMENT BOUNDARY		TRANSPORTATION (ROW, RAIL, METRORAIL, ETC.)
	2030 URBAN EXPANSION AREA BOUNDARY		MINOR ROADWAYS (2 LANES)
	LOW DENSITY (2.5-6 DU/AC)		MAJOR ROADWAYS (3 OR MORE LANES)
	BUSINESS AND OFFICE		
	OFFICE/RESIDENTIAL		
	INSTITUTIONS, UTILITIES AND COMMUNICATION		
	PARKS AND RECREATION		
	AGRICULTURE		
	WATER		



# APPLICATION NO. 8 PROPOSED CDMP LAND USE



Source: Department of Regulatory and Economic Resources  
June 2015

- APPLICATION AREA
- 2020 URBAN DEVELOPMENT BOUNDARY
- 2030 URBAN EXPANSION AREA BOUNDARY

**CDMP LAND USE**

- |   |   |
|---|---|
| LOW DENSITY (2.5-6 DU/AC)                 | WATER                                       |
| INDUSTRIAL AND OFFICE                     | TRANSPORTATION (ROW, RAIL, METRORAIL, ETC.) |
| BUSINESS AND OFFICE                       | MINOR ROADWAYS (2 LANES)                    |
| OFFICE/RESIDENTIAL                        | MAJOR ROADWAYS (3 OR MORE LANES)            |
| INSTITUTIONS, UTILITIES AND COMMUNICATION |   |
| PARKS AND RECREATION                      |   |
| AGRICULTURE                               |   |
| ENVIRONMENTALLY PROTECTED PARKS           |   |

# STAFF ANALYSIS

## Application Site

### Location

The ±61.1 gross-acre application site is located at the southeast corner of the intersection of SW 88 Street (Kendall Drive) and SW 177 Avenue (Krome Avenue), in unincorporated Miami-Dade County. The application site is outside the Urban Development Boundary (UDB) and within the Urban Expansion Area (UEA), and is comprised of Parcel A (±51.1 gross acres) and Parcel B (±10.0 gross acres).

### Existing Land Use

A portion of Parcel A currently contains vegetable crops while the remaining portion of the parcel and Parcel B are fallow agricultural lands. (See Existing Land Use Map on page 8-8 and Appendix F: Photos of Site and Surroundings).

### Land Use Plan Map Designation

The application site is currently designated “Agriculture” on the CDMP Adopted 2020 and 2030 LUP map (see CDMP Land Use map on page 8-9 above). The principal uses allowed in the Agriculture-designated areas are agriculture and uses ancillary to and directly supportive of agriculture and farm residences. Residential development is allowed under this designation at a density of no more than one (1) dwelling unit per five gross acres. (See Proposed CDMP Land Use map on page 8-10).

The subject application requests changes to the Miami-Dade County Comprehensive Development Master Plan (CDMP) Adopted 2020 and 2030 Land Use Plan (LUP) map to expand the 2020 Urban Expansion Boundary (UDB) to include the ±61.1 gross acre site (±53.4 net acres) and to redesignate the site from “Agriculture” to “Industrial and Office” for Parcel A (51.1 gross acres), and to “Business and Office” for Parcel B (10 gross acres).

The requested “Industrial and Office” CDMP land use designation for Parcel A allows industrial land uses such as manufacturing operations, maintenance and repair facilities, warehouses, mini-warehouses, office buildings, wholesale showrooms, distribution centers, and similar uses. The requested “Business and Office” CDMP land use designation for Parcel B allows the full range of sales and service activities that includes retail, wholesale, personal and professional services, commercial and professional offices, hotels, motels, hospitals, entertainment and cultural facilities, and residences.

Under the current Agriculture land use designation, the entire application site (Parcels A and B) could be developed with up to 12 single-family residential homes. Under the requested “Industrial and Office” designation for Parcel A and “Business and Office” designation for Parcel B, the application site, if approved, could be developed with up to 1,002,751 industrial uses and 128,240 square feet retail, respectively.

Proffered CDMP Declaration of Restrictions: The applicant has proffered a Declaration of Restrictions (covenant) that (1) prohibits residential development on the site, (2) restricts the non-residential development of the site to a maximum combined total of 850,000 square feet of industrial and retail development on both Parcels A and B of the application site, and (3) prohibits hazardous materials pursuant to Section 24-5 of the Miami-Dade County Code, excluding pre-packaged consumer products intended for domestic use, which could be generated, stored, disposed of, or handled anywhere within the application site.

### Zoning

The two parcels of the application are zoned GU (Interim), which uses depend on the character of the neighborhood otherwise EU-2 standards (see Zoning Map on page 8-7). The character of the area surrounding application site is agricultural farmland.

### Zoning History

Miami-Dade County zoning districts and zoning code regulations were first created in 1938. Earliest zoning records indicate that the application area (Parcels A and B) was zoned GU, which is the zoning on the property today (see Zoning Map on page 8-7).

## **Adjacent Land Use and Zoning**

### Existing Land Uses

North of the application site, across Kendall Drive is agricultural land. This area is a portion of the site for Application No. 7 of this May 2015 Cycle of CDMP amendments. Abutting the application site to the east is a vacant property inside the UDB, fronting south of Kendall Drive. Adjacent to the east of the site, fronting north of Kendall Drive is agricultural land outside the UDB. To the south are agricultural fallow land as well as vegetable cropland. Southeast of the application site (particularly Parcel A) is the Kendall Commons Traditional Neighborhood District (TND) development that is currently under construction. West of the application site across Krome Avenue, are agricultural land and rock mining areas.

### Land Use Plan Map Designations

Areas surrounding the application area (to the north, west and south) of the application site are designated "Agriculture" and are located outside the UDB. The abutting property to the east of the site is designated "Business and Office" is located inside the UDB. The properties to the southeast of the application site is also inside the UDB and designated "Low Density Residential". (See CDMP Land Use map on page 8-9.)

### Zoning

Properties north of the application site (current Application No. 7), across Kendall Drive, are zoned GU (Interim). Properties east of the application site are zoned BU-1A (Business Limited) and RU-4L (Limited Apartment House at 12.9 units per net acre). Further east across Kendall drive is also GU, a part of current Application No. 7 site. Properties abutting south of the site are zoned AU (Agricultural District). Properties adjacent to the west of the site across Krome Avenue are also zoned AU. (See Zoning Map on Page 8-7.)

## **Socio-Economic Analysis**

The Miami Economic Associates, Inc. (MEAI) submitted a letter dated June 29, 2015 providing a socio-economic analysis in support of the application that the MEAI believes provides justification for the approval of the application (see Appendix D: Applicant's Socio-Economic Analysis). The MEAI analysis indicates that redesignation of the subject property would ameliorate a deficiency in commercial land in MSA 6.1 and 6.2 without adversely impacting the housing supply inside of the Urban Development Boundary (UDB), and would provide significant fiscal and economic benefits to Miami-Dade County.

Staff reviewed the MEAI analysis and presents the following comments:

- MEAI states in their report that if the proposed application is approved, it "...will facilitate the positive distribution of land use and services to meet the physical, social, cultural and

economic needs of the present and future populations in a timely and efficient manner that will maintain or improve the quality of the natural and man-made environment and amenities and preserve Miami-Dade County's unique agricultural lands." In reality, if approved, this project will - remove approximately 61 acres from agriculture and move-development outside the UDB prematurely.

- The applicant makes a reference to Florida International University's (FIU) report entitled the West End to justify approval of their application by citing that the -West End Study- has "as one of its principal conclusions that expanding employment opportunities within the area might be the single most important issue facing the West End."
- FIU's West End Study is often cited by the applicant to justify the proposed application. Yet, the West End Study makes the following points:
  - A. It never mentions or encourages expanding the UDB. In fact it says that "the West End Strategy Report is not meant to displace Miami-Dade County's Comprehensive Development Master Plan (CDMP)." The report never suggests that the expansion of employment opportunities in the West End-area should take place at the proposed application site or anywhere outside of the UDB, and, in fact suggests specific locations inside the UDB.
  - B. In reference to the area (industrial land) adjacent to Miami Executive Airport the West End Study recommends: "The properties adjacent to Miami Executive Airport are relatively underutilized given its location and ground transportation links. The County targets Aviation and Aviation Technology as a key growth industry. Given the region's shortage of high-end technology manufacturing and development space, and rare condition of proximity to a small airport in a major population and economic center, the airport represents a singular opportunity to create and diversify the regional employment base."
  - C. In reference to retail development, the -West End Study - states: "Two of the West End's largest developable properties – The Palms at Town and Country (at Kendall Drive and the Turnpike), and the Howard Hughes Corporation Kendall Town Center (at Kendall Drive and 162<sup>nd</sup> Avenue) – have been designated under the CDMP for large urban center development treatment. The County is engaged in a planning process with the owners, and both properties are ideally situated to serve as Town Centers incorporating new residential, retail, employment and entertainment uses for the entire West End. Proper development of these two properties could significantly further many of the development goals of this Report – reducing work related commuter vehicle trips out of the West End, non-work trips, and provide new lifestyle amenities. Their development should be supported and incentivized due to their potential benefits to the Community." In addition it goes on to say that "Even given high relative household incomes, the West End has an overabundance of retail development, especially considering annual retail spending within the West End compared to the West End's total Household retail spending capacity."

Needs Analysis:

- MEAI states that a parcel of 38 acres, immediately east of the subject property will be developed mostly as multi-family residential. Staff reports vacant capacity -by taking into consideration any specific, verifiable, and precise information regarding its future. In reference to this parcel, staff agrees that it is likely that the majority of the parcel will turn out to be residential.
- MEAI acknowledges that the site located on the southeast corner of Kendall Drive and SW 162<sup>nd</sup> Street (Kendall Town Center) has plans for a 750,000 square feet retail facility and a 350,000 square feet of office space. This reflects plans for future development and staff reports land as vacant unless any construction activity has started.
- MEAI “believes” that the majority of the remainder vacant parcels in MSAs 6.1 and 6.2, as reported by staff, will be used for retail uses and because of their size they will not be able to accommodate the number of jobs necessary as per the West End- Study recommendations. While the assumption that the majority of the parcels will be developed as retail could be realized, at this point in time, it is just an assumption, not a certain occurrence. As to the statement that the vacant parcels will not be able to accommodate the need for jobs, as addressed by the West End Study, it should be reiterated that the West End Study does not only consider vacant land, but the intensification and redevelopment of uses, and that will undoubtedly increase the availability of jobs in the West End Area.

Economic Impact

Staff used the REMI Model to estimate the economic impact of the project utilizing the proposed project parameters and the results are summarized in the following table. Depending on the intensity of competition and substitution at build-out, staff estimates that the impact of the proposed project on total employment would range from 2,451 to 5,512; the impact on total wages would range from \$265M to \$681M; and the impact on total output would range from \$408M to \$890M. The applicant only estimated the impact on total employment and its estimate was 4,148, which fell at the high end of the range.

<b>Economic Indicators</b>	<b>Minimum Impact</b>	<b>Maximum Impact</b>	<b>Applicant's Estimates</b>
<i>Total Employment (Individuals)</i>	2,451	5,512	4,148
<i>Total Wages (2015 dollars)</i>	\$142M	\$311M	N/A
<i>Total Output (2015 dollars)</i>	\$408M	\$890M	N/A

Fiscal Impact

Staff used the economic impacts estimated by REMI, financial data for the county from the CAFR, and the current population estimate to develop revenue and expenditure coefficients for the County's budget. Applying the applicant's project parameters, the fiscal impact was estimated between \$4.1M to \$4.2M. The applicant only estimated the impact on ad valorem taxes to be \$3.3M and did not provide a quantitative estimate on the net fiscal impact. If developed as described in the application, given the characteristics of the proposed development, staff estimates that it will have a positive impact.

## Supply and Demand Analysis

The capacity of the LUP map to accommodate population or economic growth is generally expressed in acres of vacant land zoned or designated for residential and non-residential development. In the context of this application that requests expansion of the Urban Development Boundary (UDB) land capacity is analyzed consistent with Policy LU-8F of the CDMP Land Use Element. Land Use Element Policy LU-8F requires the UDB to contain adequate developable land (land supply) having the capacity to accommodate the County's projected population and economic growth. Policy LU-8F requires the UDB to contain adequate developable land with the capacity to sustain residential growth for a period of 15 years after adoption of the most recent CDMP Evaluation and Appraisal Report (most recently adopted in March 2011). Additionally, the policy requires the adequacy of non-residential land supply within the UDB to be determined by countywide supply as well as by subareas of the County appropriate to the type of use. The adequacy of commercial land is determined by Minor Statistical Areas (MSAs) and combinations thereof, and the adequacy of industrial land is determined by planning analysis tiers, half-tiers and combinations thereof.

The application site is located in MSA 6.2 along the boundary abutting MSA 6.1. The application proposes the development of commercial uses ( $\pm$  10 acres) and industrial uses ( $\pm$ 51 acres) therefore the analysis below evaluates the supply of land for each of these proposed type of use. Consistent with the referenced Policy LU-8F, the commercial land supply is evaluated at the MSA level (combination of MSAs 6.1 and 6.2) while the industrial land supply is evaluated at the countywide level and at the planning analysis tier level, and both evaluated at the Countywide level.

### Commercial Land

The Analysis Area for Application 8 (MSAs 6.1, and 6.2) contained 1,070.70 acres of in-use commercial land in 2015 and an additional 248.70 acres of vacant land zoned or designated for commercial uses. The annual average absorption rate for the 2015-2030- period is 18.58 acres per year. At the projected rate of absorption, reflecting the past rate of commercial uses, the study area will deplete its supply of commercially zoned land by the year 2028 (see "Projected Absorption of Land for Commercial Uses" table below). It should be noted that the study area also contains approximately 38.5 acres zoned for mixed uses that could be utilized for commercial uses. Whatever amount of the mixed-use acres is used will increase the depletion of commercial land.

Projected Absorption of Land for Commercial Uses  
Indicated Year of Depletion and Related Data  
MSA Level Analysis

Analysis Area	Vacant Commercial Land 2015 (Acres)	Commercial Acres in Use 2015	Annual Absorption Rate 2015-2030 (Acres)	Projected Year of Depletion	Total Commercial Acres per Thousand Persons	
					2020	2030
6.1	33.8	525.10	6.97	2020	2.9	2.7
6.2	214.9	545.60	11.61	2030+	4.8	4.7
<b>Total</b>	<b>248.70</b>	<b>1,070.70</b>	<b>18.58</b>	<b>2028+</b>	<b>3.7</b>	<b>3.6</b>

Source: Miami-Dade County, Department Regulatory and Economic Resources, Planning Division, Planning Research & Economic Analysis Section, July 2015

The County contained 12,529.2 of in-use commercial uses land in 2015 and an additional 2,494.4 acres of vacant land zoned or designated for commercial uses. With an average annual absorption rate of 105.7 acres of industrial land, the county is projected to deplete its vacant commercial land beyond 2030. The South-Central Tier, where the application is located, has 313.8 acres of vacant land zoned or designated for commercial uses; with an average annual absorption rate of 26.13 acres. This Tier is projected to deplete its vacant commercial land by the year 2027 (see “Projected Absorption of Land for Commercial” table below). Approval of the application would add approximately 7.36 net acres or less than 1 month of supply to the County’s commercial land supply. However, Pursuant to Policy LU-8F, and as demonstrated by the commercial land supply herein, there is no need to add commercial land to the UDB at this time.

**Projected Absorption of Commercial Land  
Miami-Dade County, Florida 2015 – 2030  
Planning Analysis Tier and Countywide**

Tier and Minor Statistical Area	Vacant Commercial Land 2015 (Acres)	Commercial Land in Use 2015 (Acres)	Avg Annual Absorption Rate 2015-2030 (Acres)	Projected Year of Depletion	Commercial Land per Thousand Persons	
					2020 (Acres)	2030
<u>South-Central Tier</u>						
1.2	0.0	77.50	0.08	2015	6.1	6.0
5.2	1.6	216.00	2.04	2016	2.7	2.4
5.3	22.5	587.40	1.14	2030+	4.6	4.4
5.4	5.2	567.70	1.32	2019	5.6	5.5
5.5	2.5	577.60	1.10	2017	7.0	6.7
5.6	4.7	225.60	0.24	2030+	6.9	6.7
5.7	8.2	258.90	0.29	2030+	10.4	10.2
5.8	20.4	95.10	1.32	2030+	3.0	2.8
6.1	33.8	525.10	6.97	2020	2.9	2.7
6.2	214.9	545.60	11.61	2030+	4.8	4.4
<b>Tier Total</b>	<b>313.8</b>	<b>3,676.50</b>	<b>26.13</b>	<b>2027</b>	<b>4.6</b>	<b>4.4</b>
<b>Countywide Total</b>	<b>2,494.4</b>	<b>12,529.2</b>	<b>105.7</b>	<b>2030+</b>	<b>5.5</b>	<b>5.0</b>

-- Insignificant population.

Source: Miami-Dade County, Department of Regulatory and Economic Resources, Planning Division, Research Section, June 2015.

**Industrial Land**

The County contained 12,396.30 of in-use industrial uses in 2015 and an additional 3,731.70 acres of vacant land zoned or designated for industrial uses. With an average annual absorption rate of 167.82 acres of industrial land, the county is projected to deplete its vacant industrial land beyond 2030. The South-Central Tier, where the application is located, has 148.80 acres of vacant land zoned or designated for industrial uses; with an average annual absorption rate of 23.86 acres of industrial land. This Tier is projected to deplete its vacant industrial land by the year 2021 (see “Projected Absorption of Land for Industrial” table below). Approval of the application would add approximately 46 net acres or 3 months of supply to the County’s industrial land supply. However, Pursuant to Policy LU-8F, and as demonstrated by the industrial land supply herein, there is no need to add industrial land to the UDB at this time.

Projected Absorption of Industrial Land  
Miami-Dade County, Florida 2015 - 2030

Tier and Minor Statistical Area	Vacant Industrial Land 2015 (Acres)	Industrial Land in Use 2015 (Acres)	Avg Annual Absorption Rate 2015-2030 (Acres)	Projected Year of Depletion
<u>South-Central Tier</u>				
1.2	0.00	0.00	0.00	--
5.2	0.00	4.90	0.00	--
5.3	12.40	50.90	0.00	--
5.4	0.50	159.70	0.00	--
5.5	0.00	88.00	1.36	2015
5.6	0.60	13.30	0.09	2022
5.7	0.00	2.10	0.17	2015
5.8	0.00	13.40	0.00	--
6.1	0.00	12.20	0.43	2015
6.2	135.30	627.40	21.81	2021
Tier Total	148.80	971.90	23.86	2021
Countywide Total	3,731.70	12,396.30	167.82	2030+

-- Insignificant Demand

Source: Miami-Dade County, Department of Regulatory and Economic Resources, Planning Division, Research Section, June 2015.

### Environmental Conditions

The following information pertains to the environmental conditions of the application site. All YES entries are further described below.

#### Flood Protection

Federal Flood Zone	AH & X
Stormwater Management Permit	SFWMD Environmental Resources Permit
County Flood Criteria, National Geodetic Vertical Datum (NGVD)	9.5 feet

#### Biological Conditions

Wetlands Permit Required	Yes
Native Wetland Communities	Yes
Specimen Trees	Undetermined
Endangered Species Habitat	Undetermined
Natural Forest Community	No

#### Other Considerations

Within Wellfield Protection Area	Yes. West Wellfield Interim protection area
Hazardous Waste Contaminated Site	No
	No DERM records however former agricultural site*

### Wellfield Protection

The subject application is located entirely within the West Wellfield Interim protection area. The source of water for this wellfield, as well as the other wellfields in the County, is the Biscayne Aquifer. The Biscayne Aquifer is a highly transmissive unconfined aquifer vulnerable to contamination.

Due to the established association between land use and groundwater contamination, the Board of County Commissioners have adopted ordinances to establish wellfield protection zones which prohibit land uses that use, handle, generate, dispose of or store hazardous materials and hazardous waste within the West Wellfield Interim protection area. The ordinances that established land use restrictions, sewage loading restrictions (if the proposed developed were to connect to public sanitary sewers) and stormwater disposal restrictions were intended to ensure that certain areas near the West Wellfield Interim protection area remain undeveloped, and to maintain pristine water quality within this wellfield by excluding land uses that could compromise groundwater quality and pose a threat to drinking water resources.

The West Wellfield was established in the farthest reaches of the County in order to protect the water quality and quantity of this wellfield from the effects of urban encroachment. The proposed application is located within the West Wellfield Protection Area, where restrictions to land uses that could generate hazardous materials and other substances that have an adverse environmental impact on groundwater quality are in place, per Section 24-43, of the Code. The information submitted with the application is insufficient to determine if any land uses contemplated could pose a future threat to the wellfield.

The existing land uses surrounding the West Wellfield in the proposed application area (agriculture and wetlands) are porous and provide for maximum wellfield recharge from local rainfall. The re-designation of these lands from Agricultural to Industrial and Office will undoubtedly result in an increase in impervious areas, thus negatively affecting wellfield recharge.

Policy CON-3B of the CDMP requires that “water management systems that recharge regional wellfields shall be protected and enhanced.” Objective CON-4 states that the “aquifer recharge and water storage capacity of the presently undeveloped areas in western and southern Miami-Dade County shall be maintained or increased.” Since the application does not include adequate information about proposed uses of the property, it is undetermined how the recharge characteristics of the land will be protected or enhanced.

### Natural Resources

The applicant has not provided sufficient information on wetland function and wildlife utilization to determine the impact of the proposed project on natural resources and the project’s consistency with Objective LU-3, which requires that the “location, design and management practices of development and redevelopment in Miami-Dade County shall ensure the protection of natural resources and systems by recognizing, and sensitively responding to constraints posed by soil conditions, topography, water table level, vegetation type, wildlife habitat ...”

Parcels with folios 30-4931-001-0540 and 30-4931-001-0570 contain wetlands as defined by Section 24-5 of the Code. The applicant should submit a full characterization of the wetland areas found onsite in order to determine the presence of any unique biological resources within the application area.

The applicant has not indicated that the subject area of land has been evaluated for the possible presence of any archaeological sites within the application area. If the applicant intends to

preserve the existing wetland area, a full maintenance and monitoring plan must be submitted for evaluation.

Seasonally flooded agricultural lands such as these, especially when co-located with wetlands, provide important foraging and roosting habitat for various types of wildlife, mammals, reptiles and amphibians, and birds. Birds that might utilize this site include groups such as wading birds that include species listed as threatened or endangered at the state or federal level, and shorebirds, which are protected under the Migratory Bird Treaty Act. However, the information submitted is insufficient to perform an appropriate review of the application. Results from comprehensive wildlife surveys are needed to document utilization. In addition, the applicant must confirm whether the subject area will be located in any designated critical habitats and/or core foraging areas.

The open land characteristics of the agricultural land, in combination with the interspersed woody vegetation of the wetlands, fits the description of habitat favored both by the federally endangered bonneted bat (this area is within the Consultation Area for the bonneted bat) and the federally threatened Eastern indigo snake.

The following state or federally protected birds that occur in Miami-Dade County are known to forage in flooded agricultural fields: wood stork (Federal, Threatened), little blue heron (State, Species of Special Concern), reddish egret (State, Species of Special Concern), roseate spoonbill (State, Species of Special Concern), snowy egret (State, Species of Special Concern), tricolored heron (State, Species of Special Concern), white ibis (State, Species of Special Concern). In addition, the following threatened, endangered and protected bird species are known to utilize such areas: federally endangered snail kite, bald eagles and golden eagles (protected under the Bald and Golden Eagle Protection Act and the Migratory Bird Treaty Act).

Based on surveys for similar areas, the proposed application area could provide feeding, roosting, and nesting habitat of threatened or endangered species. Therefore, the application would not be consistent with objectives and policies of the CDMP, including but not limited to CON-9B, that protect such habitat.

#### Pollution Remediation

There are no DERM records of current or historical contamination issues on the property or on sites directly abutting the application site. Based on the former agricultural use of the site, it is recommended that a Phase 1 and Phase 2 Environmental Assessment be conducted on the property prior to development. Site development may require review and approval from the Environmental Monitoring and Restoration Division of DERM.

#### Drainage and Flood Protection

Application No. 8 is located in Section 31, Township 54, Range 39 East and outside of the Bird Drive Basin special drainage basin and the Urban Development Boundary. Since a special drainage basin has not been established in the proposed application area, any future development of this property will require engineering calculations to demonstrate that the proposed development can provide full on-site retention for the 100-year/3-day storm event.

Any proposed development with more than 2.0 acres of impervious area within the subject property will require an Environmental Resource Permit from South Florida Water Management District or a Surface Water Management Standard Permit from DERM for the construction and operation of the required surface water management system. The permit must be obtained prior

to development of the site, Final Plat, and/or prior to obtaining Public Works Department approval of Paving & Drainage plans.

The application area is located in Zones AH and X or as determined by FEMA. Any development in the application area will have to comply with the requirements of Chapter 11C of the Code for flood protection. The site shall be filled to a minimum elevation of 9.5 feet NGVD (County Flood Criteria).

For construction of habitable structures within the subject application, the Lowest Floor Elevation requirement shall be the highest elevation in NGVD of the following references:

- Average crown of road fronting the property, plus 8 inches for residential, or plus 4 inches for commercial.
- County Flood Criteria 6.0 feet NGVD, plus 8 inches for residential, or plus 4 inches for commercial.
- Elevation of the back of the sidewalk (if any) fronting the property, plus 8 inches for residential, or plus 4 inches for commercial.
- The Base Flood Elevation for this is found to be 8.0 feet N.G.V.D. (taken from the Flood Insurance Rate Maps (FIRM) for Miami Dade County).
- The stage generated by retention on-site of the 100-year rainfall event according to stage-storage calculations must be equal or less than the Base Flood Elevation.

For compliance with stormwater quality requirements, all stormwater shall be retained on site utilizing properly designed seepage or infiltration drainage system. Drainage must be provided for the 5-year/1-day storm event. For compliance with stormwater quantity requirements designed to prevent flooding of adjacent properties, the site grading and development shall provide for the full on-site retention of the 100-year/3-day storm event and shall also comply with the requirements of Chapter 11C of the Code and all State and Federal Criteria.

The proposed development order, if approved, would be required to meet the Level of Service standards for flood protection set forth in the CDMP.

#### Surface and Groundwater Issues

The application does not address the proximity of the application to Comprehensive Everglades Restoration Program (CERP) and non-CERP Everglades restoration projects. Pursuant to Policy CON-7J, when “evaluating applications that will result in alterations or adverse impacts to wetlands, Miami-Dade County shall consider the applications’ consistency with the Comprehensive Everglades Restoration Program (CERP) objectives. Applications that are found to be inconsistent with CERP objectives, projects or features shall be denied.”

Several Everglades Restoration projects that affect this region of the County, including but not limited to Modified Water Deliveries to Everglades National Park and the related operational plans for the South Dade Conveyance System, plus the Everglades National Park Seepage Management Project, have not been finalized, and the area of influence for these projects may extend well beyond the immediate footprint of the infrastructure of these regional restoration projects. Development in this area could constrain full implementation of CERP; staff from the Public Works and Waste Management Department can provide more detailed information on this issue. It is within the best interest of both the applicant and the County to have a comprehensive understanding of the full implications of these projects during the review of this application.

## Water and Sewer

### Water Supply

The source of potable water for this area is the Alexander Orr Water Treatment Plant, which is owned and operated by MDWASD. At the present time, there is adequate treatment and water supply capacity for this application. The plant is presently producing water that meets Federal, State, and County drinking water standards.

### Water Treatment Plant Capacity

The County's adopted LOS standard for potable water treatment facilities requires that the regional water treatment system, consisting of Hialeah, Preston and Alexander Orr District Treatment Plants, shall operate with a rated maximum daily capacity no less than two percent above the maximum daily flow for the preceding year and an average two percent above the average daily flow for the preceding five years. The water must also meet all applicable federal, state, and county primary drinking water standards.

The regional water treatment system has a rated design capacity of 439.74 million gallons per day (MGD). Based on the LOS standard, the capacity of the regional water treatment system is 430.95 MGD. The total available water treatment plant capacity, 63.54 MGD, is calculated using the available plant capacity (430.95 MGD), subtracting the maximum day flow (343.2 MGD) and subtracting the water that is reserved through development orders (24.21 MGD).

As noted in the "Estimated Water Demand/Sewer Flow for Proposed Development by Land Use Scenario" table below, the maximum water demand for Residential (Scenario 1) development under the current CDMP Land Use designation is estimated at 2,640 gallons per day (gpd). The maximum water demand for Business and Industrial (Scenario 1) under the Requested CDMP Land Use designations, is estimated at 37,893 gpd. This represents an increase of up to 35,253 gpd over the demand under the current CDMP land use designations. The applicant has proffered a Declaration of Restrictions limiting the development to 100,000 square feet of commercial and 750,000 square feet of industrial. If the application site were developed according to the proffered Declaration of Restrictions (Scenario 2), the maximum water demand is estimated at 28,750 gpd. This represents an increase of up to 26,110 gpd over the demand under the current CDMP land use designations. A Water Supply Certification Letter will be required at the time of development, at which time the proposed project will be evaluated for water supply availability and a water supply reservation will be made.

Estimated Water Demand/Sewer Flow  
For Proposed Development by Land Use Scenario

Scenario	Use (Maximum Allowed)	Quantity (Units or Square Feet)	Water Demand Multiplier (Section 24- 43.1 Miami-Dade Code)	Projected Water Demand (gpd)
Current CDMP Potential				
1	Residential	12 units	220 gpd	2,640 gpd
Requested CDMP Designation				
1	Business	128,240 sq. ft. retail	10 gpd/100 sq. ft.	12,824 gpd
1	Industrial	1,002,751 sq. ft.	2.5 gpd/100 sq. ft.	25,069 gpd
2	Business	100,000 sq. ft. retail	10 gpd/100 sq. ft.	10,000 gpd
2	Industrial	750,000 sq. ft.	2.5 gpd/100 sq. ft.	18,750 gpd

Source: Miami-Dade Water and Sewer Department; Department of Regulatory and Economic Resources, Planning Division; July 2015

### Water System Connectivity

The comments provided herein are subject to UDB expansion approval and compliance with all applicable provisions in the County's CDMP and in Chapter 24 of the Code of Miami-Dade County for the protection of the West Wellfield. Pursuant to Chapter 24 of the Code, the proposed development would be required to connect to the public water system if located inside the Urban Development Boundary. Currently, there is a proposed development with a MDWASD Agreement #20564 that is abutting this project on the eastern boundary. If the infrastructure required for the project with agreement #20564 is built first, then the developer may connect to the proposed 24-inch water line located at the northeast boundary of the property along SW 88 Street and extend a 24-inch water line along said Street to the most northwestern point of the property. If the development contemplated under this application gets built prior to the development under agreement #20564, then the developer is to connect to a 24-inch water main located approximately 240 feet to the west at the intersection of SW 169 Court and SW 88 Street along said Street and extend a 24-inch water main along SW 88 Street to the most northwestern point of the property to provide water service.

### Sewer Treatment Plant Capacity

The County's adopted LOS standard for wastewater treatment and disposal requires that the regional wastewater treatment and disposal system, consisting of North, Central, and South District Wastewater Treatment Plants, operate with a capacity that is two percent above the average daily flow for the preceding five years and a physical capacity of no less than the annual average daily sewer flow. The wastewater effluent must also meet all applicable federal, state, and county standards and all treatment plants must maintain the capacity to treat peak flows without overflow.

The regional wastewater treatment system can treat up to 375.5 million gallons per day (MGD). Based on the LOS standard, the capacity of the regional wastewater treatment system is equivalent to 368.14 MGD. The available capacity is calculated by subtracting the annual average flow (307.73 MGD) for the preceding 5 years and the capacity reserved for development orders (31.07 MGD) from the system capacity (368.14 MGD). Therefore, the available wastewater treatment plant capacity is 29.34 MGD.

### Sewer System Connectivity

The comments provided herein are subject to UDB expansion approval and compliance with all applicable provisions in the County's CDMP and in Chapter 24 of the Code of Miami-Dade County for the protection of the West Wellfield. Pursuant to Chapter 24 of the Code, the proposed development would be required to connect to the public sanitary sewer system if located inside the Urban Development Boundary. Application No. 8 is located within the MDWASD franchised service area. The wastewater flows for this application will be transmitted to the South District Wastewater Treatment Plan (SDWWTP) for treatment and disposal. Currently, there is average wastewater treatment capacity for this application consistent with Policy WS-2A(2) of the CDMP. At the time of development, a capacity modeling evaluation may be required.

Currently, there is a proposed development with a MDWASD Agreement #20564 that is abutting this project on the eastern boundary. If the sewer infrastructure required for the project with agreement #20564 is built first, then the developer is to connect to the proposed 8-inch sewer force main located at the intersection of SW 88 Street and theoretical SW 172 Avenue and extend an 8-inch force main to the northeastern boundary of the property along SW 88 Street to provide sewer service. A private pump station will be required. If the development contemplated under this application gets built prior to the development under agreement #20564, then the developer is to connect to a 20-inch sanitary sewer force main located at 240 feet to the west of the intersection of SW 169 Court and SW 88 Street along said Street and extend an 8-inch sewer

force main along SW 88 Street to the northeastern boundary of the property to provide sewer service. In this case, a public quarter section pump station will be required.

## **Solid Waste**

The Miami-Dade County Public Works and Waste Management Department (PWWM) Solid Waste Functions oversees the proper collection and disposal of solid waste generated in the County through direct operations, contractual arrangements, and regulations. In addition, the Department directs the countywide effort to comply with State regulations concerning recycling, household chemical waste management and the closure and maintenance of solid waste sites no longer in use.

The application site is located inside the PWWM Waste Collection Service Area (WCSA), which consists of all residents of the Unincorporated Municipal Service Area (UMSA) and eight municipalities.

### Level of Service Standard

CDMP Policy SW-2A establishes the adopted Level of Service (LOS) standard for the County's Solid Waste Management System. This CDMP policy requires the County to maintain sufficient waste disposal capacity to accommodate waste flows committed to the System through long-term contracts or interlocal agreements with municipalities and private waste haulers, and anticipated uncommitted waste flows, for a period of five years. The PWWM assesses the solid waste capacity on system-wide basis since it is not practical or necessary to make determination concerning the adequacy of solid waste disposal capacity relative to individual applications. As of FY 2014-2015, the PWWM is in compliance with the adopted LOS standard.

### Application Impacts

The applicant requests the re-designation of the application site from "Agriculture" to "Industrial and Office" for Parcel A and "Business and Office" for Parcel B on the Adopted 2020 and 2030 LUP map. The "Industrial and Office" and the "Business and Office" designations will likely result in the development of a commercial establishments. Per Chapter 15 of the County Code, the PWWM does not actively compete for non-residential waste collection such as commercial, business, office, and industrial services at this time; therefore waste collection services may be provided by a private waste hauler. The PWWM has determined that the requested amendment will have no impact or any associated costs to the County; therefore, the PWWM has no objection to the proposed amendment.

## **Parks**

The Miami-Dade County Parks, Recreation and Open Space Department has three Park Benefit Districts (PBDs). The subject application site is located inside Park Benefit District 2 (PBD-2), which generally encompasses the area of the County between SW 8 Street and SW 184 Street.

### Level of Service Standard

Recreation and Open Space Element policies ROS-2a (i); (ii); (iii); (iv); and (v) provide for the establishment of Miami-Dade County's minimum Level of Service standard for the provision of local recreation open space based on residential population. This application includes a proffered covenant which prohibits residential development and therefore this application does not include any projected population for the purpose of analyzing concurrency for level of service for local parks.

### Application Impacts

The potential development of the site under the existing CDMP land use designation has a potential population of 39, resulting in an impact of 0.11 acres based on the adopted minimum LOS standard for local recreational open space. The covenant proffered by the applicant prohibits residential development and limits the industrial, and retail uses under the proposed land use designations to 850 square feet. No population will be associated with the proposed permissible land uses under the requested designations. Therefore, if the application site is developed with retail uses for Parcel B and industrial and office uses for Parcel A, as proposed in the application, there would be a decrease in population and no additional impact to the CDMP Open Space spatial standards

### **Fire and Rescue Service**

The application site is currently served by Miami-Dade County Fire Rescue Station No. 56 (West Sunset), located at 16250 SW 72 Street (Sunset Drive). This station is equipped with a Rescue, Tanker and Engine and is staffed with seven (7) firefighter/paramedics 24 hours a day, seven days a week.

The Miami-Dade County Fire Rescue Department (MDFR) has indicated that the average travel time to incidents in the vicinity of the application site is approximately six (6) minutes. Performance objectives of national industry standards require the assembly of 15-17 firefighters on-scene within 8 minutes at 90% of all incidents. Travel time (6:39 minutes) to incidents in the vicinity of the application site complies with the performance objective of national industry standards.

### Level of Service Standard for Fire Flow and Application Impacts

CDMP Policy WS-2A establishes the County's minimum Level of Service standard for potable water. This CDMP policy requires the County to deliver water at a pressure no less than 20 pounds per square inch (psi) and no greater than 100 psi, unless otherwise approved by the Miami-Dade Fire Rescue Department. A minimum fire flow of 3,000 gallons per minute (gpm) is required for the Business and Office CDMP designation. Presently, there are no fire flow deficiencies in the vicinity of the application site.

The current CDMP land use designation of "Agriculture" will allow a potential development on the application site that is anticipated to generate approximately 3 annual alarms. The proposed CDMP land use designations of "Industrial and Office" for Parcel A and "Business and Office" for Parcel B are anticipated to generate the approximately 82 annual alarms, and would result in a moderate impact to existing fire rescue services. Presently, fire and rescue service in the vicinity of the application site is adequate. However, based on the current call volume for Station No. 56 and as a result of existing stations (Station No 36 located at 10001 Hammocks Boulevard and Station No. 57 located at 8501 SW 127 Avenue) within close proximity of the application site, all stations combined would be capable of mitigating the additional number of alarms from the development of the site.

### **Public Schools**

The applicant proffered a Declaration of Restrictions that prohibits residential development on the application site, should the application be approved with acceptance of the proffered Declaration of Restrictions. Therefore, Miami-Dade County Public Schools would not be impacted by the application as proposed (see Appendix C: Applicant's Proffered Declaration of Restrictions.)

## Aviation

Miami-Dade County Aviation Department (MDAD) does not object to the proposed CDMP amendment provided that all uses comply with federal, state and local aviation regulations, including the Code of Miami-Dade County, Chapter 33, as it pertains to airport zoning.

## Roadways

The application site is a ±61.10 gross acre (53.40 net acre) property located at the southeast corner of the intersection of SR 94/SW 88 Street/Kendall Drive and SR 997/SW 177 Avenue/Krome Avenue. The application site lies within the County's 2030 Urban Expansion Area (UEA) and outside the County's Adopted 2020 Urban Development Boundary (UDB). SW 88 Street/Kendall Drive, located on the north side of the application site is a four-lane divided roadway, and SW 177 Avenue/Krome Avenue on the east of the application site is currently a two-lane roadway facility. These two roadways are classified State Principal Arterials and are designated Evacuation Routes. SW 177 Avenue is also designated a Strategic Intermodal System (SIS) facility. The County's adopted *2016 Transportation Improvement Program (TIP)* lists Krome Avenue from SW 8 Street to SW 88 Street and from SW 88 Street to SW 136 Street for capacity improvement--widening from two to four lanes. Capacity improvement for the roadway segment from SW 8 Street to SW 88 Street is currently under construction. The widening of Krome Avenue from SW 88 Street to SW 136 Street is programmed for construction in FY 2015-2016. SW 88 Street/Kendall Drive is a major four- and six-lane divided facility, which connects to SW 177 Avenue/Krome Avenue on the west and to the HEFT, SR 874, SR 826 and US-1 on the east. SW 177 Avenue, the HEFT, SR 874, SR 826, and US-1 are all major north-south regional corridors that provide access to other areas of the County.

Traffic conditions are evaluated by the level of service (LOS), which is represented by one of the letters "A" through "F", with A generally representing the most favorable driving conditions and F representing the least favorable.

This CDMP amendment application is a Standard amendment application. The *Instructions For Preparing Applications Requesting Amendments to the Miami-Dade County Comprehensive Development Master Plan May 2015-2016 Amendment Cycle* states that "The deadline for all Applicant(s) and/or their representative(s) to submit technical reports, such as Traffic or Economic Studies, in support of their applications and for consideration in the Initial Recommendations Report, shall be no less than eight weeks prior to the publication date of August 25, 2015. Technical reports must be submitted no later than July 1, 2015 for the May 2015-16 CDMP Amendment Cycle." This deadline allows county staff adequate time to review and consider in the Initial Recommendations report all the data and analysis submitted by the applicant. The Applicant on September 18, 2015, submitted the required traffic study analyzing the projected traffic impacts from the development on the roadway network. This submittal of the required traffic study has not allowed for the analysis to be evaluated and addressed in this report. This report will be supplemented by the staff analysis of the traffic study when it is complete.

For Standard applications such as this one, the applicant shall submit a traffic impact analysis (TIA) report signed and sealed by a Florida registered professional engineer. The TIA should include a Short Term traffic (Concurrency) level of service analysis and a Long Term (Future Conditions) level of service analysis. Since the applicant did not submit the required TIA report, County staff only performed the Short Term traffic (Concurrency) level of service analysis. No Long Term (Future Conditions) traffic impact was determined for this application.

### Existing Conditions

Existing traffic conditions on major roadways adjacent to and in the vicinity of the application site, which are currently monitored by the State and the County, show that these roadway segments are operating at acceptable levels of service. See “Traffic Impact Analysis on Roadways Serving the Amendment Site” table below.

### Roadway Capacity Improvement Projects

The applicant states in the application that over the years growth to the south and an increased need to move commercial goods away from more congested roads in the center of Miami-Dade County have led FDOT, which manages and maintains Krome Avenue, to commence an ambitious and community changing remodel, redesign and enhancement of this important thoroughfare. That was not the reason why the Miami-Dade Board of County Commissioners (BCC) approved and adopted Application No. 16 filed by the Miami-Dade County Department of Planning and Zoning on February 28, 2002, as directed by the BCC in Resolution No. R-199-02 adopted February 26, 2002. The BCC ordered the Department of Planning and Zoning to file the CDMP amendment application in order to improve safety and security in the corridor, which has claimed numerous fatalities in the last decades. As a condition for approval of Application No. 16, the BCC adopted four new policies to the CDMP, Land Use Element Policies LU-3N, LU-3O and LU-3P, and Traffic Circulation Policy TC-4E. LU Policies LU-3N, LU-3O and LU-3P require that: “Any zoning action or amendment to the CDMP that would approve any use other than direct agricultural production, the sale of agricultural produce, and permitted residential and Bed and Breakfast uses of property, in an area designated as Agriculture; or any use other than limestone quarrying, seasonal agriculture or permitted residential use in an area designated Open Land; or any use other than seasonal agricultural use in the Dade-Broward Levee Basin or permitted residential use in an area designated Environmental Protection, on land that is, a) outside the Urban Development Boundary (UDB), and b) within one mile of the right-of-way line of any portions of Krome Avenue designated in the this Plan for improvement to 4-lanes, shall require an affirmative vote of not less than five members of the affected Community Zoning Appeals Board and two-thirds of the total membership of the Board of County Commissioners in office, where such Community Zoning Appeals Board or Board of County Commissioners issues a decision.”

In addition, Traffic Circulation Subelement TC-4E requires FDOT to prepare and submit, and the Board of County Commissioners to adopt, a detailed binding access control plan for the Krome Avenue corridor. The plan should emphasize access to properties fronting Krome Avenue primarily through alternative street locations.

The applicant also states in the application that the Miami-Dade Expressway Authority (MDX) is also weighing and studying the extension of SR 836/Dolphin Expressway to the Kendall area and that all options have identified a number of locations that would bring the Southwest Extension to within no more than 40 blocks of the application property. The applicant states that the study has identified potential alignments along SW 137 Avenue, SW 157 Avenue and Krome Avenue that “would bring increased limited-access highway connectivity much closer to the Property” and also “would alleviate any increase in traffic to the east.” However, the applicant fails to note that the MDX study is not part of the Cost-Feasible Plan of the County’s Adopted 2040 *Long Range Transportation Plan (LRTP)* but instead is only a partially funded project. The project description in the County’s adopted 2016 *Transportation Improvement Program (TIP)* states that the “Project Development & Environmental (PD&E) study is ongoing to determine feasibility and select a preferred alternative. Final design and construction for this project are not yet funded.” Both the *TIP* and *LRTP* state that the SR 836 Southwest Extension Project would require a CDMP amendment prior to construction. Moreover, the SR 836 Southwest Extension Project is not

depicted in the CMDP, specifically the Land Use Plan map and Traffic Circulation Subelement Figures 1, 4, and 5, which make the project inconsistent with the CDMP. Therefore, it is uncertain at this point if the SR 836 Southwest Extension project would be approved and built, and shall not be considered toward capacity improvement to alleviate any traffic conditions for the application site.

#### West End Report

The applicant also cites from selected portions of the “West End Report”, a report titled *West End Strategy: A Vision for the Future*, dated 2015 and produced by Florida International University. The West End Report defined the study area as the area bound by SW 8 Street/Tamiami Trail on the north, the HEFT on the east, SW 152 Street on the south, and SW 177 Avenue/Krome Avenue on the west. The West End Report contains 15 “action items” in six areas, notably the fourth “action item”, namely to “Re-Connect the West End using alternative transportation, place making and streetscape design.” Some of the recommendations are already in the County’s CDMP, such as Complete Streets (Transportation Element Policy TE-4 and Traffic Circulation Subelement Policy TC-3C); trip reduction ordinances, subsidies for transit riders, and telecommuting (Traffic Circulation Policy TC-1F). Other recommendations include a proposed trolley for the West End area, but with no research provided to support evidence of ridership, nor any funding mechanism. Also, the *West End Report* stresses that despite 13 existing Metrobus routes in the area, only 2% of the residents use public transit. As indicated above, the County’s adopted *2016 Transportation Improvement Program (TIP)* only lists the Krome Avenue from SW 8 Street to SW 88 Street and from SW 88 Street to SW 136 Street for capacity improvements—widening from two to four-lanes. The roadway segment of Krome Avenue from SW 8 Street to SW 88 Street is currently under construction and is scheduled for completion in December 2017. The widening of the segment from SW 88 Street to SW 136 Street is programmed for construction in FY 2015-2016.

#### Trip Generation

One potential development scenario under the current “Agriculture” land use designation was analyzed and compared with two potential development scenarios that could occur under the requested “Industrial and Office” and “Business and Office” land use designations. Currently, the application site is utilized as cropland but could be developed with up to 12 single-family detached residential dwelling units. Scenario 1 under the requested CDMP land use designation assumes Parcel A of the application site developed with 1,002,751 sq. ft. industrial uses and Parcel B with 128,240 sq. ft. retail uses. Scenario 2 assumes Parcel A developed with 750,000 sq. ft. industrial uses and Parcel B with 100,000 sq. ft. retail uses as limited by the applicant’s proffered Declaration of Restrictions. The 12 single-family dwelling units that could be developed under the current CDMP land use designation is estimated to generate approximately 17 PM peak hour vehicle trips. The 1,002,751 sq. ft. industrial uses and 128,240 sq. ft. retail uses (Scenario 1) is estimated to generate approximately 1,354 PM peak hour vehicle trips, and the 750,000 sq. ft. industrial uses and 100,000 sq. ft. retail uses (Scenario 2) limited by the applicant’s Declaration of Restrictions is estimated to generate approximately 1,058 PM peak hour vehicle trips. See “Estimated PM Peak Hour Trip Generation” table below.

Estimated Peak Hour Trip Generation  
By Current and Requested CDMP Land Use Designations

Application No. 8	Current CDMP Designation and Assumed Use/ Estimated No. Of Trips	Requested CDMP Designation and Assumed Use/ Estimated No. Of Trips	Estimated Trip Difference Between Current and Requested CDMP Land Use Designation
Scenario 1	“Agriculture” 12 SF detached <sup>1/</sup>	“Industrial and Office” and “Business and Office”:  1,002,751 sq. ft. industrial 128,240 sq. ft. retail <sup>2/</sup>	
	17	1,354	+ 1,337
Scenario 2	“Agriculture” 12 SF detached <sup>1/</sup>	“Industrial and Office” and “Business and Office”:  750,000 sq. ft. industrial 100,000 sq. ft. retail <sup>2/</sup>	
	17	1,058	+ 1,041

Source: Institute of Transportation Engineers, Trip Generation, 9<sup>th</sup> Edition, 2012, August 2015.

Notes: <sup>1</sup> Currently, the application site is cropland but can be developed with 12 single-family detached residential dwelling units.

<sup>2</sup> Under the requested “Industrial and Office” and “Business and Office” land use designation the application site is assumed to be developed with the maximum potential development of 1,002,751 sq. ft. industrial and 128,240 sq. ft. retail (Scenario 1); and with 750,000 sq. ft. industrial and 100,000 sq. ft. retail for a total of 850,000 sq. ft. as limited by the applicant’s proffered Declaration of Restrictions (Scenario 2).

Traffic Concurrency Evaluation

An evaluation of peak-period traffic concurrency conditions as of August 2015, which considers reserved trips from approved development not yet constructed, programmed roadway capacity improvements listed in the first three years of the County’s adopted *2016 Transportation Improvement Program (TIP)*, such as the widening of Krome Avenue, and the PM Peak hour trips estimated to be generated by the application under the requested “Industrial and Office” and “Business and Office” LUP map designation, shows that all roadways—adjacent to and in the vicinity of the application site—have available capacity to handle the additional traffic impacts that would be generated by the application, and are projected to operate at acceptable levels of service. See “Traffic Impact Analysis on Roadways Serving the Amendment Site” table below.

Combined Traffic Concurrency Evaluation for Applications 8 and 7

However, since Application No. 7 to amend the CDMP is located north of the subject application site, a combined traffic concurrency analysis was performed to assess the combined impact of both amendment applications on the adjacent roadway network, including the state roadways SW 88 Street and SW 177 Avenue. The combined analysis shows two (2) roadway segments exceed their adopted LOS standard, namely:

- SW 56 Street/Miller Drive between SW 157 Avenue to SW 147 Avenue is projected to operate at LOS E (LOS D is the adopted standard);
- SW 88 Street/Kendall Drive between SW 167 Avenue and SW 152 Avenue is projected to operate at LOS E+61% under Scenario 1 or at LOS E+58% under Scenario 2 (E+20% is the adopted standard).

One roadway segment, SW 104 Street between SW 157 Avenue and SW 147 Avenue, is projected to operate at E+19%, almost at its adopted E+20% standard. See “Combined Traffic Impact Analysis on Roadways Serving Amendments 8 and 7” table above.

Traffic Impact Analysis on Roadways Serving the Amendment Site  
Roadway Lanes, Existing and Concurrency PM Peak Period Operating Level of Service (LOS)

Sta. Num.	Roadway	Location/Link	Num. Lanes	Adopted LOS Std. <sup>1</sup>	Peak Hour Cap.	Peak Hour Vol.	Existing LOS	Approved D.O's Trips	Total Trips With D.O's Trips	Conc. LOS w/o Amend.	Amendment Peak Hour Trips	Total Trips With Amend.	Concurrency LOS with Amend.
<b>Scenario 1: "Industrial and Office" and "Business and Office" – 1,002,751 sq. ft. industrial and 128,240 sq. ft. retail</b>													
2557	SR 997/SW 177 Ave.	SW 8 St. to SW 88 St.	2 UD/4 DV*	C	1510/3420	1,386	C/C	0	1,386	C	12	1,398	C
682	SR 997/SW 177 Ave.	SW 88 St. to SW 184 St.	2 UD/4 DV*	C	1510/3420	1,369	C/C	38	1,407	C	41	1,448	C
9857	SW 157 Avenue	SW 88 St. to SW 112 St.	4 DV	D	3,430	1,638	B	46	1,684	B	85	1,769	B
9112	SW 42 Street	SW 157 Ave. to SW 147 Ave.	4 DV	D	3,370	1,773	B	166	1,939	B	108	2,047	B
9275	SW 56 Street	SW 157 Ave. to SW 147 Ave.	4 DV	D	2,940	1,992	C	98	2,090	C	108	2,198	C
9665	SW 72 Street	SW 162 Ave. to SW 157 Ave.	4 DV	E+20%	3,696	937	C	185	1,122	C	262	1,384	C
10	SR 94/SW 88 St.	SW 177 Ave. to SW 167 Ave.	4 DV	D	3,580	1,105	C	64	1,169	C	53	1,222	C
2529	SR 94/SW 88 St.	SW 167 Ave. to SW 152 Ave.	6 DV	E+20%	6,468	3,005	C	857	3,862	C	654	4,516	C
9724	SW 104 Street	SW 157 Ave. to SW 147 Ave.	4 DV	E+20%	3,720	2,226	C	431	2,657	D	85	2,742	D
<b>Scenario 2: "Industrial and Office" and "Business and Office" – 750,000 sq. ft. industrial and 100,000 sq. ft. retail</b>													
2557	SR 997/SW 177 Ave.	SW 8 St. to SW 88 St.	2 UD/4 DV*	C	1510/3420	1,386	C/C	0	1,386	C	9	1,395	C
682	SR 997/SW 177 Ave.	SW 88 St. to SW 184 St.	2 UD/4 DV*	C	1510/3420	1,369	C/C	38	1,407	C	33	1,440	C
9857	SW 157 Avenue	SW 88 St. to SW 112 St.	4 DV	D	3,430	1,638	B	46	1,684	B	66	1,750	B
9112	SW 42 Street	SW 157 Ave. to SW 147 Ave.	4 DV	D	3,370	1,773	B	166	1,939	B	85	2,024	B
9275	SW 56 Street	SW 157 Ave. to SW 147 Ave.	4 DV	D	2,940	1,992	C	98	2,090	C	84	2,174	C
9665	SW 72 Street	SW 162 Ave. to SW 157 Ave.	4 DV	E+20%	3,696	937	C	185	1,122	C	205	1,327	C
10	SR 94/SW 88 St.	SW 177 Ave. to SW 167 Ave.	4 DV	D	3,580	1,105	C	64	1,169	C	42	1,211	C
2529	SR 94/SW 88 St.	SW 167 Ave. to SW 152 Ave.	6 DV	E+20%	6,468	3,005	C	857	3,862	C	512	4,374	C
9724	SW 104 Street	SW 157 Ave. to SW 147 Ave.	4 DV	E+20%	3,720	2,226	C	431	2,657	D	66	2,723	D

Source: Compiled by the Miami-Dade County Department of Regulatory and Economic Resources, July 2015.

Notes: DV= Divided Roadway; UD=Undivided Roadway

<sup>1</sup> County adopted roadway level of service standard applicable to the roadway segment: LOS C (80% capacity); D (90% capacity); E+20% (120% capacity) for roadways serviced with mass transit having 20 minutes or less headways between the Urban Development Boundary (UDB) and the Urban Infill Area (UIA).

\* Roadway segment is currently 2 lane undivided, but widening from 2 to 4 lanes is under construction or programmed for widening in the next three years.

Scenario 1 under the requested CDMP land use designations assumes the application site developed with 1,002,751 sq. ft. industrial use and 128,240 sq. ft. retail space.

Scenario 2 under the requested CDMP land use designations assumes the application site developed with 750,000 sq. ft. industrial use and 100,000 sq. ft. retail space, for a total of 850,000 sq. ft. total of industrial and retail uses as limited by the applicant's proffered Declaration of Restrictions.

Combined Traffic Impact Analysis on Roadways Serving Amendments 8 and 7  
Roadway Lanes, Existing and Concurrency PM Peak Period Operating Level of Service (LOS)

Sta. Num.	Roadway	Location/Link	Num. Lanes	Adopted LOS Std. <sup>1</sup>	Peak Hour Cap.	Peak Hour Vol.	Existing LOS	Approved D.O's Trips	Total Trips With D.O's Trips	Conc. LOS w/o Amends.	Applic. 8 Peak Hour Trips	Applic. 7 Peak Hour Trips	Total Trips With Amends.	Concurrency LOS with Amends.
<b>Scenario 1: "Industrial and Office" and "Business and Office" – 1,002,751 sq. ft. industrial and 128,240 sq. ft. retail</b>														
2557	SR 997/SW 177 Ave.	SW 8 St. to SW 88 St.	2 UD/4 DV*	C	1510/3420	1,386	C/C	0	1,386	C	12	11	1,409	C
682	SR 997/SW 177 Ave.	SW 88 St. to SW 184 St.	2 UD/4 DV*	C	1510/3420	1,369	C/C	38	1,407	C	41	571	2,019	C
9857	SW 157 Avenue	SW 88 St. to SW 112 St.	4 DV	D	3,430	1,638	B	46	1,684	B	85	958	2,728	B
9112	SW 42 Street	SW 157 Ave. to SW 147 Ave.	4 DV	D	3,370	1,773	B	166	1,939	B	108	792	2,839	C
9275	SW 56 Street	SW 157 Ave. to SW 147 Ave.	4 DV	D	2,940	1,992	C	98	2,090	C	108	792	2,990	E
9665	SW 72 Street	SW 162 Ave. to SW 157 Ave.	4 DV	E+20%	3,696	937	C	185	1,122	C	262	1,472	2,856	D
10	SR 94/SW 88 St.	SW 177 Ave. to SW 167 Ave.	4 DV	D	3,580	1,105	C	64	1,169	C	53	583	1,805	C
2529	SR 94/SW 88 St.	SW 167 Ave. to SW 152 Ave.	6 DV	E+20%	6,468	3,005	C	857	3,862	C	654	4,136	8,652	E+61%
9724	SW 104 Street	SW 157 Ave. to SW 147 Ave.	4 DV	E+20%	3,720	2,226	C	431	2,657	D	85	958	3,700	E+19%
<b>Scenario 2: "Industrial and Office" and "Business and Office" – 750,000 sq. ft. industrial and 100,000 sq. ft. retail</b>														
2557	SR 997/SW 177 Ave.	SW 8 St. to SW 88 St.	2 UD/4 DV*	C	1510/3420	1,386	C/C	0	1,386	C	9	11	1,406	C
682	SR 997/SW 177 Ave.	SW 88 St. to SW 184 St.	2 UD/4 DV*	C	1510/3420	1,369	C/C	38	1,407	C	33	571	2,011	C
9857	SW 157 Avenue	SW 88 St. to SW 112 St.	4 DV	D	3,430	1,638	B	46	1,684	B	66	958	2,708	B
9112	SW 42 Street	SW 157 Ave. to SW 147 Ave.	4 DV	D	3,370	1,773	B	166	1,939	B	85	792	2,815	C
9275	SW 56 Street	SW 157 Ave. to SW 147 Ave.	4 DV	D	2,940	1,992	C	98	2,090	C	84	792	2,967	E
9665	SW 72 Street	SW 162 Ave. to SW 157 Ave.	4 DV	E+20%	3,696	937	C	185	1,122	C	205	1,472	2,799	D
10	SR 94/SW 88 St.	SW 177 Ave. to SW 167 Ave.	4 DV	D	3,580	1,105	C	64	1,169	C	42	583	1,794	C
2529	SR 94/SW 88 St.	SW 167 Ave. to SW 152 Ave.	6 DV	E+20%	6,468	3,005	C	857	3,862	C	512	4,136	8,510	E+58%
9724	SW 104 Street	SW 157 Ave. to SW 147 Ave.	4 DV	E+20%	3,720	2,226	C	431	2,657	D	66	958	3,681	E+19%

Source: Compiled by the Miami-Dade County Department of Regulatory and Economic Resources, July 2015.

Notes: DV= Divided Roadway; UD=Undivided Roadway

<sup>1</sup> County adopted roadway level of service standard applicable to the roadway segment: LOS D (90% capacity); E (100% capacity); E+20% (120% capacity) for roadways serviced with mass transit having 20 minutes or less headways between the Urban Development Boundary (UDB) and the Urban Infill Area (UIA).

\* Roadway segment is currently 2-lane undivided, but widening from 2 to 4 lanes is under construction or programmed for construction in the next three years.

Scenario 1 under the requested CDMP land use designation assumes the application site developed with 1,002,751 sq. ft. industrial and 128,240 sq. ft. retail.

Scenario 2 under the requested CDMP land use designation assumes the application site developed with 750,000 sq. ft. industrial and 100,000 sq. ft. retail, for a total of 850,000 sq. ft. total of industrial and retail as limited by the applicant's proffered Declaration of Restrictions.

### Application Impact

One potential development scenario under the current “Agriculture” land use designation was analyzed and compared with two potential development scenarios that could occur under the requested “Industrial and Office” and “Business and Office” land use designations. Currently, the application site is utilized as cropland but could be developed with up to 12 single-family detached residential dwelling units. Scenario 1 under the requested CDMP land use designations assume the application site developed with 1,002,751 sq. ft. industrial uses and 128,240 sq. ft. retail uses; and Scenario 2 assumes the application site developed with 750,000 sq. ft. industrial uses and 100,000 sq. ft. retail uses as limited by the applicant’s proffered Declaration of Restrictions. The potential residential development is estimated to generate approximately 17 PM peak hour vehicle trips. The 1,002,751 sq. ft. industrial uses and 128,240 sq. ft. retail uses (Scenario 1) is estimated to generate approximately 1,354 PM peak hour vehicle trips; and the 750,000 sq. ft. industrial uses and 100,000 sq. ft. retail uses (Scenario 2), which is limited by the applicant’s Declaration of Restrictions, is estimated to generate approximately 1,058 PM peak hour vehicle trips. See “Estimated PM Peak Hour Trip Generation” table above. In summary, the traffic impact analysis performed indicates that the roadways adjacent to and in the vicinity of the application site that were analyzed have enough capacity to handle the additional traffic that would be generated by this application, with the exception of the segment of SW 104 Street from SW 157 Avenue to SW 147 Avenue.

### Applicant’s Transportation Analysis

As outlined in the *Instructions for Preparing Applications Requesting Amendments to the Miami-Dade County Comprehensive Development Master Plan May 2015-16 Amendment Cycle*, July 1, 2015 was the deadline for submission of technical reports such as Traffic Studies in support of an application. As the applicant has not yet provided the required traffic report, the potential long-range traffic impacts of this application on the County’s future transportation network is unknown. Once the traffic study is submitted, County staff will review the traffic impact analysis report and will work with the applicant and the transportation consultant to address any issues that might arise prior to the Board of County Commissioners’ transmittal hearing on November 18, 2015.

### **Transit Service**

#### Existing Service

The subject application site lies outside of the UDB and is not directly connected to the existing transit network--existing transit services are located approximately 0.89 to 1.51 miles to the east of the easternmost portion of the application site. The closest transit service is provided by Metrobus Routes 104 and 204 (Killian KAT) along SW 88th Street at SW 167th Avenue. Other Metrobus routes providing transit service further to the east of the application site (SW 88th Street and SW 162nd Avenue) include bus routes 72, 272 (Sunset KAT), 88, and 288 (Kendall Cruiser). The service frequency of these routes are shown in the “Metrobus Route Service Summary” table below.

Metrobus Route Service Summary

Routes	Service Headways (in minutes)					Proximity to Bus Stop (miles)	Proximity to Bus Route (miles)	Type of Service
	Peak (AM/PM)	Off-Peak (middays)	Evenings (after 8 pm)	Saturday	Sunday			
72	60	60	n/a	60	60	1.51	1.51	L
88	20	30	30	30	30	1.51	1.51	L
104	24	45	60	60	60	0.89	0.89	L
204	8.5	n/a	30	n/a	n/a	0.89	0.89	F/E

272	15	n/a	n/a	n/a	n/a	1.51	1.51	F/E
288	12	n/a	n/a	n/a	n/a	1.51	1.51	F/E

Source: Draft 2015 *Transit Development Plan*, Miami-Dade Transit (June 2015 Line Up), July 2015.

Notes: L means Metrobus Local route service; F means Metrobus feeder service to Metrorail; E means Express or Limited-Stop Metrobus service.

### Metrobus Recommended Service Improvements and Service Plan

Route	Improvement Description	Implementation Year	Operational Cost	Capital Cost (in 000s)
Route 288 (Kendall Cruiser)	Route to be transformed to Kendall Enhanced Bus (Route eliminated)	2023	-\$1,500	\$0
Kendall Enhanced Bus	New route providing enhanced bus service from the West Kendall Transit Center (Kendall Drive and SW 162 <sup>nd</sup> Avenue) to the Dadeland North Metrorail Station. Service headways will be 10 minutes during the AM/PM peak-hour using nine (9) 60-foot alternative fuel buses. This route will feature robust stations, queue jump and by-pass lanes, transit signal priority, WiFi and real-time "Next Bus" arrival information via electronic signs at the stations.	2023	\$2,000	\$30,000 (unfunded)
Kendall Corridor (Kendall Bus Rapid Transit - BRT)*	Implement bus rapid transit service on dedicated lanes along SW 88th Street (Kendall Drive) from the West Kendall Transit Center (Kendall Drive and SW 162 <sup>nd</sup> Avenue) to the Dadeland North Metrorail Station.	TBD	\$10,000	\$150,000
West Kendall Transit Terminal Improvements	Improve existing bus hub with 8 bus bays, kiss-and-ride, and expand parking with 500-space structured parking.	TBD	\$37,500	12,500

Source: Draft 2015 *Transit Development Plan*, Miami-Dade Transit (June 2015 Line Up), July 2015.

\* Florida Department of Transportation (FDOT) currently conducting a Project Development and Environment (PD&E) Study.

Note: Based on the CDMP threshold for traffic and/or transit service objectives within a ½ mile distance, the estimated operating and capital costs of implementing this new express bus route are not associated with this application.

### Future Conditions

The following transit improvements to the existing Metrobus service, such as the replacement of an existing route with a new enhanced route and route alignment extensions/expansions are planned for the next ten years as noted in the draft *2015 Transit Development Plan (TDP)*. The table below shows the Metrobus service improvements programmed for the existing routes serving this application area.

As noted in the table below, major projects planned within the general vicinity of the application site over the next 10-years include the Kendall Enhanced Bus Service (EBS) Project which is listed as an unfunded project in the draft 2015 *TDP*. The 2026 and Beyond Vision Plan within the draft 2015 *TDP* contemplates conversion of the Kendall EBS into full bus rapid transit and capacity improvements to the existing West Kendall Transit Terminal located just south of Kendall Drive along SW 162nd Avenue (approximately 1.51 miles to the southeast of the application site). Said transit improvements are currently unfunded and together represent over \$162 million in capital cost funding needs.

Metrobus Route Service Summary

Routes	Service Headways (in minutes)					Proximity to Bus Stop (miles)	Proximity to Bus Route (miles)	Type of Service
	Peak (AM/PM)	Off-Peak (middays)	Evenings (after 8 pm)	Saturday	Sunday			
72	60	60	n/a	60	60	1.51	1.51	L
88	20	30	30	30	30	1.51	1.51	L
104	24	45	60	60	60	0.89	0.89	L
204	8.5	n/a	30	n/a	n/a	0.89	0.89	F/E
272	15	n/a	n/a	n/a	n/a	1.51	1.51	F/E
288	12	n/a	n/a	n/a	n/a	1.51	1.51	F/E

Source: Draft 2015 *Transit Development Plan*, Miami-Dade Transit (June 2015 Line Up), July 2015.

Notes: L means Metrobus Local route service; F means Metrobus feeder service to Metrorail; E means Express or Limited-Stop Metrobus service.

### Future Conditions

The following transit improvements to the existing Metrobus service, such as the replacement of an existing route with a new enhanced route and route alignment extensions/expansions are planned for the next ten years as noted in the draft *2015 Transit Development Plan (TDP)*. The table below shows the Metrobus service improvements programmed for the existing routes serving this application area.

As noted in the table below, major projects planned within the general vicinity of the application site over the next 10-years include the Kendall Enhanced Bus Service (EBS) Project which is listed as an unfunded project in the draft 2015 *TDP*. The 2026 and Beyond Vision Plan within the draft 2015 *TDP* contemplates conversion of the Kendall EBS into full bus rapid transit and capacity improvements to the existing West Kendall Transit Terminal located just south of Kendall Drive along SW 162nd Avenue (approximately 1.51 miles to the southeast of the application site). Said transit improvements are currently unfunded and together represent over \$162 million in capital cost funding needs.

### Metrobus Recommended Service Improvements and Service Plan

Route	Improvement Description	Implementation Year	Operational Cost	Capital Cost (in 000s)
Route 288 (Kendall Cruiser)	Route to be transformed to Kendall Enhanced Bus (Route eliminated)	2023	-\$1,500	\$0
Kendall Enhanced Bus	New route providing enhanced bus service from the West Kendall Transit Center (Kendall Drive and SW 162 <sup>nd</sup> Avenue) to the Dadeland North Metrorail Station. Service headways will be 10 minutes during the AM/PM peak-hour using nine (9) 60-foot alternative fuel buses. This route will feature robust stations, queue jump and by-pass lanes, transit signal priority, WiFi and real-time "Next Bus" arrival information via electronic signs at the stations.	2023	\$2,000	\$30,000 (unfunded)
Kendall Corridor (Kendall Bus Rapid Transit - BRT)*	Implement bus rapid transit service on dedicated lanes along SW 88th Street (Kendall Drive) from the West Kendall Transit Center (Kendall Drive and SW 162nd Avenue) to the Dadeland North Metrorail Station.	TBD	\$10,000	\$150,000
West Kendall Transit Terminal Improvements	Improve existing bus hub with 8 bus bays, kiss-and-ride, and expand parking with 500-space structured parking.	TBD	\$37,500	12,500

Source: Draft 2015 *Transit Development Plan*, Miami-Dade Transit (June 2015 Line Up), July 2015.

\* Florida Department of Transportation (FDOT) currently conducting a Project Development and Environment (PD&E) Study.

Note: Based on the CDMP threshold for traffic and/or transit service objectives within a ½ mile distance, the estimated operating and capital costs of implementing this new express bus route are not associated with this application.

Application No. 7 (Green City Miami) is located immediately to the north of this subject application site, across SW 88 Street/Kendall Drive. Application No. 7 is proposing a new regional bus facility with a park-and-ride that will serve as a terminal for premium express bus service within a newly formed Downtown Metropolitan Urban Center. MDT has analyzed the incremental cost associated with extending existing Metrobus Routes further west to serve both Application 8 and Application 7. The capital costs associated with the purchase of additional buses needed to maintain existing levels of service with the new route extensions are presented in the "Annual Cost of Existing Metrobus Route Extensions" table below.

#### Annual Cost of Existing Metrobus Route Extensions

Route	Annual Operations and Maintenance Cost of Route Extensions	Additional Buses Required	Capital Cost of Additional Buses Required*
Route 72	\$498,800	1	\$450,000
Route 88	\$653,766	3	\$1,350,000
Route 104	\$455,235	1	\$450,000
Route 204	\$1,101,537	3	\$1,350,000
Route 272	\$374,627	1	\$450,000
Route 288	\$568,006	1	\$450,000
<b>TOTAL</b>	<b>\$3,651,971</b>	<b>10</b>	<b>\$4,500,000</b>

Source: Miami-Dade Transit, July 2015

\*Cost assumes purchase of 40-foot standard diesel buses.

#### Application Impacts

A preliminary analysis performed in the Traffic Analysis Zones (TAZ) where the application is located (TAZ #1274 and #1275), indicate that the transit impact estimated to be produced by this application can be accommodated with the existing transit service levels. It should be noted that the existing Metrobus routes are located approximately over one-mile from the application site.

## Other Planning Considerations

### Urban Sprawl

The Miami-Dade County Strategic Plan and the CDMP call for the promotion of urban infill and redevelopment while discouraging urban sprawl. In addition, Chapter 163.3177(6)(a)(9), Florida Statutes (F.S.), requires Future Land Use Element and Future Land Use Element amendments to discourage urban sprawl. The statute provides 13 indicators to demonstrate that a plan or plan amendment does not discourage the proliferation of urban sprawl and 8 indicators to demonstrate that a plan or plan amendment discourages the proliferation of urban sprawl. The Statute further provides that a Future Land Use Element or plan amendment shall be deemed to discourage the proliferation of urban sprawl if it incorporates a development pattern or urban form that achieves 4 or more of the following 8 indicators for the discouragement of urban sprawl:

Staff's review provided below indicates that the application does not achieve any of the indicators for the discouragement of urban sprawl but achieves 7 indicators for the encouragement of urban sprawl. Pursuant to Chapter 163.3177(6)(a)(9), F.S., the proposed amendment does not discourage urban sprawl, but instead, would encourage the proliferation of urban sprawl if approved. Therefore, approval of the application would be in contravention of the statutory requirement to discourage urban sprawl.

Each indicator for the discouragement of the proliferation of urban sprawl is numerically listed below and is followed by an analysis of whether or not the application meets the intent of the indicator:

1. Directs or locates economic growth and associated land development to geographic areas of the community in a manner that does not have an adverse impact on and protects natural resources and ecosystems.
  - a. *This indicator is not met.* The application proposes industrial and commercial development on a ±61.1-acre site that is located within the County's West Wellfield Protection Area. The site is currently comprised of agricultural uses and wetlands which provide for maximum wellfield recharge from local rainfall. The redesignation of the application site from 'Agriculture' to 'Industrial and Office' and 'Business and Office' would undoubtedly result in an increase in the impervious areas, thus negatively affecting the wellfield recharge. The CDMP interpretive text for the Wellfield Areas sets out the importance of managing land uses and activities near and upgradient from wellfields since these activities may directly impact the quality of water ultimately withdrawn from wells. The Wellfield Areas text also recognizes that if these regional wellfields become contaminated, there are no alternative sites for the construction of comparable high-capacity wellfields. Since the land around the West Wellfield is largely undeveloped with urban uses, it provides an opportunity to maintain pristine water quality in this important wellfield area. The application would result in the proliferation of urban land uses into the West Wellfield which is inconsistent with the CDMP policies that seek to protect the wellfield as well as resulting in urban sprawl.
2. Promotes the efficient and cost-effective provision or extension of public infrastructure and services.
  - a. *This indicator is not met.* The proposed development is at the western fringe of the urbanized area and currently located outside of the UDB. As indicated in the Supply and Demand Analysis, there is sufficient vacant commercial and industrial land within the UDB to sustain the population and economic growth of the County to the year 2030

and beyond. This analysis demonstrates that there are adequate sites inside of the UDB where public infrastructure and services already exist or would be prioritized for extension. Extension of public infrastructure and services outside of the current UDB to accommodate the proposed development is unwarranted at this time.

3. Promotes walkable and connected communities and provides for compact development and a mix of uses at densities and intensities that will support a range of housing choices and a multimodal transportation system, including pedestrian, bicycle, and transit, if available. *This indicator does not apply because the Declaration of Restrictions proffered by the applicant prohibits residential development on the site.*
4. Promotes conservation of water and energy.
  - a. *This indicator is not met.* CDMP Policy LU-10A states that “Miami-Dade County shall facilitate contiguous urban development, infill, redevelopment of substandard or underdeveloped urban areas, moderate to high intensity activity centers, mass transit supportive development, and mixed-use projects to promote energy conservation.” The proposed development is at the western fringe of the urbanized area and outside of the UDB. The proposed application would result in the westward expansion of urban development into a currently unurbanized area of the County which is inconsistent with the policies of the CDMP that promote energy efficiency and is indicative of urban sprawl. Additionally, as discussed in Indicator No. 1 above, the County’s West Wellfield could be adversely impacted by the maximum development proposed in the application.
5. Preserves agricultural areas and activities, including silviculture, and dormant, unique, and prime farmlands and soils.
  - a. *This indicator is not met.* The proposed development is within an area currently designated “Agriculture” on the CDMP Land Use Plan map. The proposed application would result in the unwarranted conversion of agricultural land for urban uses. In addition, the properties to the north, west and south are designated “Agriculture” on the CDMP Land Use Plan map. Approval of the application may result in additional pressure to prematurely convert adjacent agricultural land for urban uses thus proliferating urban sprawl.
6. Preserves open space and natural lands and provides for public open space and recreation needs.
  - a. *This indicator is not met.* The application proposes industrial and commercial development on a ±61.1-acre site that is located within the County’s West Wellfield Protection Area. The site is currently comprised of agricultural uses and wetlands which are porous and provide for maximum wellfield recharge from local rainfall. The redesignation of the application site from Agriculture to ‘Industrial and Office’ and ‘Business and Office’ would undoubtedly result in an increase in the impervious areas, thus negatively affecting the wellfield recharge. The CDMP interpretive text for the Wellfield Areas sets out the importance of managing land uses and activities near and upgradient from wellfields since these activities may directly impact the quality of water ultimately withdrawn from wells. The Wellfield Areas text also recognizes that if these regional wellfields become contaminated, there are no alternative sites for the construction of comparable high-capacity wellfields. Since the land around the West Wellfield is largely undeveloped with urban uses, it provides an opportunity to maintain pristine water quality in this important wellfield area. The application would result in

the proliferation of urban land uses into the West Wellfield which is inconsistent with the CDMP policies that seek to protect the wellfield and is indicative of urban sprawl.

7. Creates a balance of land uses based upon demands of the residential population for the nonresidential needs of an area.
  - a. *This indicator is not met.* The Land Supply Analysis demonstrates that, within the vicinity of the application site, there is a sufficient supply of vacant industrial land to the year 2021 and vacant commercial land to the year 2028. This analysis shows that the proposed commercial and industrial uses are not needed at this time to meet the nonresidential needs of the area and is indicative of urban sprawl.
8. Provides uses, densities, and intensities of use and urban form that would remediate an existing or planned development pattern in the vicinity that constitutes sprawl or if it provides for an innovative development pattern such as transit-oriented developments or new towns as defined in Section 163.3164 F.S.
  - a. *This indicator is not met.* Rather than remediating the existing pattern of sprawl development in the area, the proposed application would proliferate urban sprawl by continuing the westward expansion of urban development into currently unurbanized areas of the County. As noted previously, the Land Supply Analysis demonstrates that, within the vicinity of the application site, there is a sufficient supply of vacant industrial land to the year 2021 and vacant commercial land to the year 2028. This analysis shows that the proposed commercial and industrial uses are not needed at this time to meet the nonresidential needs of the area.

The application meets seven (7) of the indicators that demonstrate the plan amendment does not discourage the proliferation of urban sprawl. Each indicator is numerically listed below and, for the applicable indicator, is followed by a discussion of how the application meets the indicator:

1. Promotes, allows, or designates for development substantial areas of the jurisdiction to develop as low-intensity, low-density, or single-use development or uses.
2. Promotes, allows, or designates significant amounts of urban development to occur in rural areas at substantial distances from existing urban areas while not using undeveloped lands that are available and suitable for development.
  - a. *This indicator is met.* The application site is currently located outside of the UDB which distinguishes the areas of the County where urban development may occur from areas where it should not occur. The application site is located inside of the Urban Expansion Area which is the area where urban development is likely to be warranted some time between the year 2020 and 2030, however expansion of the UDB is unwarranted at this time. As indicated in the Supply and Demand Analysis herein on page 8-15 and discussed in Principal Reason No. 1 on page 8-2, there is sufficient vacant commercial, and industrial land within the UDB to sustain the population and economic growth of the County to the year 2030 and beyond. Existing commercial and industrial land inside the UDB would be more suitable for the proposed use.
3. Promotes, allows, or designates urban development in radial, strip, isolated, or ribbon patterns generally emanating from existing urban developments.
4. Fails to adequately protect and conserve natural resources, such as wetlands, floodplains, native vegetation, environmentally sensitive areas, natural groundwater aquifer recharge

areas, lakes, rivers, shorelines, beaches, bays, estuarine systems, and other significant natural systems.

- a. *This indicator is met.* The application proposes development on a ±61.1-acre site that is located within the West Wellfield's protection area. The application proposes an intrusion of unwarranted urban development into the unurbanized portion of the West Wellfield protection area. The existing land uses surrounding the West Wellfield in the application site (agriculture and wetlands) are porous and provide for maximum wellfield recharge from local rainfall. The re-designation of these lands from Agricultural to Industrial and Office will undoubtedly result in an increase in impervious areas, thus negatively affecting wellfield recharge. The proposed development therefore could adversely impact the wellfield and its long term viability as discussed in Principal Reason No. 5 on page 8-4 herein.
5. Fails to adequately protect adjacent agricultural areas and activities, including silviculture, active agricultural and silvicultural activities, passive agricultural activities, and dormant, unique, and prime farmlands and soils.
  - a. *This indicator is met:* The proposed development is within an area currently designated "Agriculture" on the CDMP Land Use Plan map. The proposed application would result in the unwarranted conversion of agricultural land for urban uses. In addition, the properties to the north, west and south are designated "Agriculture" on the CDMP Land Use Plan map. Approval of the application may result in additional pressure to prematurely convert adjacent agricultural land for urban uses thus proliferating urban sprawl.
6. Fails to maximize use of existing public facilities and services.
  - a. *This indicator is met.* The proposed application does not promote the efficient and cost-effective provision of public infrastructure and services. The proposed development is at the western fringe of the urbanized area and outside of the UDB. The CDMP states that "(g)iven the fundamental influences of infrastructure and service availability on land markets and development activities, the CDMP has since its inception provided that the UDB serve as an envelope within which public expenditures for urban infrastructure will be confined." Extension of urban infrastructure beyond the current UDB is inconsistent with the policies of the CDMP that seek to contain it and indicative of urban sprawl. In addition, by promoting the extension of urban infrastructure into currently unurbanized areas, the application may result in additional development pressure for sprawl-type development.
7. Fails to maximize use of future public facilities and services.
8. Allows for land use patterns or timing which disproportionately increase the cost in time, money, and energy of providing and maintaining facilities and services, including roads, potable water, sanitary sewer, stormwater management, law enforcement, education, health care, fire and emergency response, and general government.
  - a. *This indicator is met:* The application site is currently located outside of the UDB which is intended to distinguish the areas of the County where urban development may occur from areas where it should not occur. The application site is located inside of the Urban Expansion Area which is the area where urban development is likely to be warranted sometime between the year 2020 and 2030, however expansion of the UDB is unwarranted at this time. As indicated in the Supply and Demand Analysis herein on page 8-15, there is sufficient vacant commercial, and industrial land within the UDB to sustain the population and economic growth of the County to the year 2030 and

beyond. Existing commercial and industrial land inside the UDB would be more suitable for the proposed use.

In addition, the proposed application does not promote the efficient and cost-effective provision of public infrastructure and services. The proposed development is at the western fringe of the urbanized area and outside of the UDB. The CDMP states that "(g)iven the fundamental influences of infrastructure and service availability on land markets and development activities, the CDMP has since its inception provided that the UDB serve as an envelope within which public expenditures for urban infrastructure will be confined." Extension of urban infrastructure beyond the current UDB is inconsistent with the policies of the CDMP that seek to contain it and indicative of urban sprawl. In addition, by promoting the extension of urban infrastructure into currently unurbanized areas, the application may result in additional development pressure for sprawl-type development.

9. Fails to provide a clear separation between rural and urban uses.
10. Discourages or inhibits infill development or the redevelopment of existing neighborhoods and communities.
  - a. *This indicator is met:* The application seeks expansion of the UDB to allow for urban development on the application site when adequate commercial and industrial land is available within the UDB to facilitate the County's projected growth and development to the year 2030 and beyond. The UDB is critical in achieving the desired pattern of development in the County including the promotion of infill development. The proposed application, by locating outside of the current UDB, would promote development at the urban fringe which is inconsistent with CDMP policies that promote infill development within the existing urbanized area.
11. Fails to encourage a functional mix of uses.
12. Results in poor accessibility among linked or related land uses.
13. Results in the loss of significant amounts of functional open space.
  - a. *This indicator is met:* The application proposes development on a ±61.1-acre site that is located within the West Wellfield's protection area. The application proposes an intrusion of unwarranted urban development into the unurbanized portion of the West Wellfield protection area. The existing land uses surrounding the West Wellfield in the application site (agriculture and wetlands) are porous and provide for maximum wellfield recharge from local rainfall. The re-designation of these lands from Agricultural to Industrial and Office will undoubtedly result in an increase in impervious areas, thus negatively affecting wellfield recharge. The proposed development therefore could adversely impact the wellfield and its long term viability. Promotes, allows, or designates for development substantial areas of the jurisdiction to develop as low-intensity, low-density, or single-use development or uses.

## Consistency Review with CDMP Goals, Objectives, Policies, Concepts and Guidelines

The proposed application will further the following goals, objectives, policies, concepts and guidelines of the CDMP:

- LU-1. The location and configuration of Miami-Dade County's urban growth through the year 2025 shall emphasize concentration and intensification of development around centers of activity, development of well-designed communities containing a variety of uses, housing types and public services, renewal and rehabilitation of blighted areas, and contiguous urban expansion when warranted, rather than sprawl.
- LU-1C. Miami-Dade County shall give priority to infill development on vacant sites in currently urbanized areas, and redevelopment of substandard or underdeveloped environmentally suitable urban areas contiguous to existing urban development where all necessary urban services and facilities are projected to have capacity to accommodate additional demand.
- LU-1G. Business developments shall preferably be placed in clusters or nodes in the vicinity of major roadway intersections, and not in continuous strips or as isolated spots, with the exception of small neighborhood nodes. Business developments shall be designed to relate to adjacent development, and large uses should be planned and designed to serve as an anchor for adjoining smaller businesses or the adjacent business district. Granting of commercial or other non-residential zoning by the County is not necessarily warranted on a given property by virtue of nearby or adjacent roadway construction or expansion, or by its location at the intersection of two roadways.
- LU-1O. Miami-Dade County shall seek to prevent discontinuous, scattered development at the urban fringe particularly in the Agriculture Areas, through its CDMP amendment process, regulatory and capital improvements programs and intergovernmental coordination activities.
- LU-1S. The Comprehensive Development Master Plan (CDMP) shall be consistent with the Miami-Dade County Strategic Plan adopted by the County Commission on June 3, 2003 by Resolution R-664-03. The Miami-Dade County Strategic Plan includes Countywide community goals, strategies and key outcomes for Miami-Dade County government. Key outcomes of the Strategic Plan that are relevant to the Land Use element of the CDMP include increased urban infill development and decreased urban sprawl, protection of viable agriculture and environmentally-sensitive land, improved community design, reduced flooding, improved infrastructure and redevelopment to attract businesses to underserved and distressed areas, available and high quality green space throughout the County, and more integrated land-use development to decrease dependence on automobiles.
- LU-2A. All development orders authorizing new, or significant expansion of existing, urban land uses shall be contingent upon the provision of services at or above the Level of Service (LOS) standards specified in the Capital Improvements Element (CIE), except as otherwise provided in the "Concurrency Management Program" section of the CIE.
- LU-3B. All significant natural resources and systems shall be protected from incompatible land use including Biscayne Bay, future coastal and inland wetlands, future potable water-supply wellfield areas identified in the Land Use Element or in adopted wellfield protection plans, and forested portions of Environmentally Sensitive Natural Forest

Communities as identified in the Natural Forest Inventory, as may be amended from time to time.

- LU-4A. When evaluating compatibility among proximate land uses, the County shall consider such factors as noise, lighting, shadows, glare, vibration, odor, runoff, access, traffic, parking, height, bulk, scale of architectural elements, landscaping, hours of operation, buffering, and safety, as applicable.
- LU-4B. Uses designated on the LUP map and interpretive text, which generate or cause to generate significant noise, dust, odor, vibration, or truck or rail traffic shall be protected from damaging encroachment by future approval of new incompatible uses such as residential uses.
- LU-8D. The maintenance of internal consistency among all Elements of the CDMP shall be a prime consideration in evaluating all requests for amendment to any Element of the Plan. Among other considerations, the LUP map shall not be amended to provide for additional urban expansion unless traffic circulation, mass transit, water, sewer, solid waste, drainage and park and recreation facilities necessary to serve the area are included in the plan and the associated funding programs are demonstrated to be viable.
- LU-8F. The Urban Development Boundary (UDB) should contain developable land having capacity to sustain projected countywide residential demand for a period of 10 years after adoption of the most recent Evaluation and Appraisal Report (EAR) plus a 5-year surplus (a total 15-year Countywide supply beyond the date of EAR adoption). The estimation of this capacity shall include the capacity to develop and redevelop around transit stations at the densities recommended in policy LU-7F. The adequacy of non-residential land supplies shall be determined on the basis of land supplies in subareas of the County appropriate to the type of use, as well as the Countywide supply within the UDB. The adequacy of land supplies for neighborhood- and community-oriented business and office uses shall be determined on the basis of localized subarea geography such as Census Tracts, Minor Statistical Areas (MSAs) and combinations thereof. Tiers, Half-Tiers and combinations thereof shall be considered along with the Countywide supply when evaluating the adequacy of land supplies for regional commercial and industrial activities.
- LU-8G. When considering land areas to add to the UDB, after demonstrating that a need exists, in accordance with foregoing Policy LU-8F:
  - i) The following areas shall not be considered:
    - a) The Northwest Wellfield Protection Area located west of the Turnpike Extension between Okeechobee Road and NW 25 Street and the West Wellfield Protection Area west of SW 157 Avenue between SW 8 Street and SW 42 Street;
    - b) Water Conservation Areas, Biscayne Aquifer Recharge Areas, and Everglades Buffer Areas designated by the South Florida Water Management District;
    - c) The Redland area south of Eureka Drive; and
  - ii) The following areas shall be avoided:

- a) Future Wetlands delineated in the Conservation and Land Use Element;
  - b) Land designated Agriculture on the Land Use Plan map;
  - c) Category 1 hurricane evacuation areas east of the Atlantic Coastal Ridge;
  - d) Comprehensive Everglades Restoration Plan project footprints delineated in Tentatively Selected Plans and/or Project Implementation Reports; and
- iii) The following areas shall be given priority for inclusion, subject to conformance with Policy LU-8F and the foregoing provision of this policy:
- a) Land within Planning Analysis Tiers having the earliest projected supply depletion year;
  - b) Land contiguous to the UDB;
  - c) Locations within one mile of a planned urban center or extraordinary transit service; and
  - d) Locations having projected surplus service capacity where necessary facilities and services can be readily extended.
- iv) Notwithstanding Policy LU-8G (iii), other land may be included to expand an existing unique regional facility, defined as an existing public facility or attraction of regional prominence that has been constructed on publicly owned land with significant public funding and intergovernmental coordination, if it satisfies all of the following criteria:
- a) The land is within the UEA, is contiguous to the UDB, and is contiguous to a unique regional facility;
  - b) The use of the land will be limited to the expansion of the unique regional facility, together with ancillary uses; and
  - c) The expansion will have a positive economic impact, including increased economic development and tourism.

LU-9B. Miami-Dade County shall continue to maintain, and enhance as necessary, regulations consistent with the CDMP which govern the use and development of land and which, as a minimum, regulate:

- i) Land use consistent with the CDMP Land Use Element and CDMP Level of Service Standards;
- ii) Subdivision of land;
- iii) Protection of potable water wellfields;
- iv) Areas subject to seasonal or periodic flooding;
- v) Stormwater management;
- vi) Protection of environmentally sensitive lands;
- vii) Signage; and
- viii) On-site traffic flow and parking to ensure safety and convenience and that no avoidable off-site traffic flow impediments are caused by development. The provisions of Policy TC-3A of the Traffic Circulation Subelement, which address access management, shall apply.

Concept No. 1: Control the extent and phasing of urban development in order to coordinate development with the programmed provision of public services.

CON-2. Protect ground and surface water resources from degradation, provide for effective surveillance for pollution and clean up polluted areas to meet all applicable federal, state and County ground and surface water quality standards.

CON-2A. The basin stormwater master plans produced by Miami-Dade County pursuant to Objective CON-5 will establish priority listings of stormwater/drainage improvements to correct existing system deficiencies and problems and to provide for future development. At a minimum, these lists shall include:

1. Drainage/stormwater sewer systems within wellfield protection areas;
2. Drainage/stormwater sewer systems in industrial and heavy business areas and areas with large concentrations of small hazardous waste generators;
3. Basins and sub-basins that fail to meet the target criteria for the twelve NPDES priority pollutants listed in Policy CON- 5A.

CON-3. Regulations within wellfield protection areas shall be strictly enforced. The recommendations of the NW Wellfield Protection Plan shall continue to be fully implemented, as are recommendations that evolve from the West Wellfield and South Dade Wellfield planning processes.

CON-3A. No new facilities that use, handle, generate, transport or dispose of hazardous wastes shall be permitted within wellfield protection areas, and all existing facilities that use, handle, generate, transport or dispose of more than the maximum allowable quantity of hazardous wastes (as specified in Chapter 24-43 of the Code of Miami-Dade County, as may be amended from time to time) within wellfield protection areas shall be required to take substantial measures such as secondary containment and improved operating procedures to ensure environmentally safe operations.

CON-3B. The water management systems that recharge regional wellfields shall be protected and enhanced.

CON-3E. The area west of the Turnpike, east of the Dade-Broward Levee, north of NW 12th Street and south of Okeechobee Road shall be reserved for limestone mining and approved ancillary uses as provided for in Chapters 24 and 33 of the Miami-Dade County Code and the entire area west of the Turnpike, north of NW 25th Street and south of Okeechobee Road shall remain unurbanized.

CON-4A. The aquifer-recharge values of wetland areas shall be maintained and, where feasible, enhanced or restored. There shall be no further positive drainage of wetlands to accommodate urban development or agricultural uses.

CON-5G. Miami-Dade County shall actively encourage the creation of buffers between water impoundment areas and development in order to increase the level of flood protection that is provided to developed areas.

CON-6. Soils and mineral resources in Miami-Dade County shall be conserved and appropriately utilized in keeping with their intrinsic values.

- CON-6A. Areas of highest suitability for mineral extraction in Miami-Dade County shall be reserved for that use and shall be protected from premature encroachment by incompatible uses.
- WS-1D. The County shall protect the integrity of groundwater within wellfield protection areas by strict adherence to the Wellfield Protection Ordinances, by rigorous enforcement of sanitary sewer requirements, hazardous waste prohibitions, land use restrictions, and all other applicable regulations, and by supporting system improvements which are designed to protect or enhance the raw water supply. Existing and future wellfields of exceptional quality, such as the Northwest Wellfield, shall be particularly addressed in the regulations to prevent degradation of water quality.
- WS-6. Miami-Dade County shall undertake timely efforts to expand traditional sources of raw water and develop new alternative raw water sources and projects to meet the County's water supply needs.
- WS-6B. Miami-Dade County shall take the steps necessary to assure that all viable potable water wellfields in the County remain available for use and possible future expansion. Such steps may include, but shall not be limited to, the renewal of withdrawal permits and the extension of the County's wellfield protection measures.
- WS-6D. In the development of its future potable water supplies, Miami-Dade County shall, to the maximum extent feasible, utilize methods which preserve the integrity of the Biscayne Aquifer, protect the quality of surface water and related ecosystems, consider and are compatible with the South Florida Water Management District's Lower East Coast Regional Water Supply Plan and the current Water Use Permit, and comply with the land use and environmental protection policies of the Miami-Dade County CDMP, the Strategic Regional Policy Plan for South Florida, and the State Comprehensive Plan.
- CIE-3. CDMP land use decisions will be made in the context of available fiscal resources such that scheduling and providing capital facilities for new development will not degrade adopted service levels.
- CIE-5D. Appropriate mechanisms will be developed by Miami-Dade County in order to assure that adequate water supplies are available to all water users of the Miami-Dade County Water and Sewer Department. Furthermore, the Miami-Dade Water and Sewer Department shall be responsible for monitoring the availability of water supplies for all water users of the Miami-Dade County Water and Sewer Department and for implementing a system that links water supplies to the permitting of new development.
- ICE-4E. Miami-Dade County shall promote better coordination of land use, natural resources and water supply planning, with special attention to approaches involving the management of the ecosystem.

# APPENDICES

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# **APPENDIX A**

## **Amendment Application**

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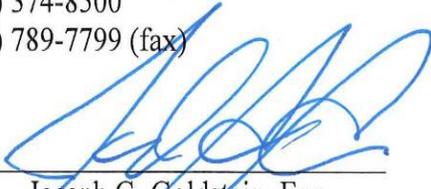
**APPLICATION FOR AN AMENDMENT TO THE  
LAND USE ELEMENT OF THE MIAMI-DADE COUNTY  
COMPREHENSIVE DEVELOPMENT MASTER PLAN**

1. APPLICANT

Neighborhood Planning Company, LLC  
1390 South Dixie Highway, Suite 1200  
Coral Gables, FL 33146

2. APPLICANT'S REPRESENTATIVES

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By:   
\_\_\_\_\_  
Joseph G. Goldstein, Esq.  
Richard A. Perez, Esq.  
Hugo P. Arza, Esq.

  
\_\_\_\_\_  
Date

3. DESCRIPTION OF REQUESTED CHANGE

A. The following change to the Land Use Element Land Use Plan Map (item A.1 (d) in the fee schedule) is being requested:

1. A Change to the Land Use Element, Land Use Plan Map. The Applicant requests a change to the Land Use Element's Land Use Plan (LUP) map to re-designate the subject property from "Agriculture" to "Industrial and Office" for Parcel A and from "Agriculture" to "Business and Office" for Parcel B.

B. Description of the Subject Area.

1. The subject property contains approximately 61.1 gross acres ( $\pm$  53.4 net acres) of land located in Section 31, Township 54 South, Range 39 East, located on the southeast corner of the intersection of SW 177 Avenue (Krome Avenue) and SW 88 Street (North Kendall Drive) in unincorporated Miami-Dade County. The Property is more specifically described in Exhibit "A" to this application.

2. Acreage.

Net:  $\pm$  53.4 Acres composed of  $\pm$  46.04 acres ("Industrial and Office" Parcel A) and  $\pm$  7.36 acres ("Business and Office" Parcel B)  
Gross:  $\pm$  61.1 Acres composed of  $\pm$  51.1 acres ("Industrial and Office" Parcel A) and  $\pm$  10.0 acres ("Business and Office" Parcel B)

Acreage Owned by Applicant:  $\pm$  53.4 Acres

3. Requested Change.

- a. It is requested that the Urban Development Boundary (UDB) be expanded to include the Property.
- b. It is requested that Parcel A be re-designated on the LUP Map from "Agricultural" to "Industrial and Office" and Parcel B be re-designated from "Agricultural" to "Business and Office".

4. REASONS FOR AMENDMENT

The Property is located on the southeast corner of the intersection of North Kendall Drive (SW 88<sup>th</sup> Street), a major four lane divided arterial roadway and Krome Avenue (SW 177<sup>th</sup> Avenue), a major arterial roadway that is slated for expansion to four lanes by the Florida Department of Transportation ("FDOT"). The Property is designated Agriculture on the Land Use Plan (LUP) map of the County's Comprehensive Development Master Plan (the "CDMP"). The Property is at the western end of North Kendall Drive—a roadway that is the central corridor of the Kendall community and contains a wide variety of uses throughout its entire length. While the Property is located outside the UDB, it is adjacent to land designated "Business and Office" (and currently developing partially for multi-family housing) and Low Density (developed as the Kendall Commons Traditional Neighborhood Development, consisting of single family, townhome, live-work units, multi-family residences and future commercial).

*Population.* The Property is located in Minor Statistical Area (MSA) 6.2, which runs from SW 88<sup>th</sup> Street to SW 184<sup>th</sup> Street and west of the Florida Turnpike. MSA 6.2 is the County's fifth most populous MSA, with a population of 144,679 in 2010 and a projected population of 183,222 residents by 2030. Additionally, the Property is located at the very northern edge of MSA

looked in the aggregate, the projected population is expected to reach over 400,000 residents by the year 2030. This roughly 200 block by 60 block rectangle would, if incorporated into a municipality, be one of the five largest cities in Florida.

*Need for Industrial Land.* Despite the population growth in MSA 6.2, the area remains underserved by industrial uses, particularly in areas that might serve as economic catalysts for job creation. While the 2010 Evaluation and Appraisal Report, adopted March 23, 2011, (the “2010 EAR”), reflects that industrial land in MSA 6.2 is scheduled to be depleted by 2022 (2010 EAR at Page 1.1-41) the nature of industrial land in MSA 6.2 requires stricter scrutiny. The bulk of the available industrial land in MSA 6.2 is adjacent to Miami Executive Airport (formerly Kendall Tamiami Airport) and is characterized by development that is more geared for small businesses that operate out of smaller bays and warehouse space. While important contributors to the economy, these businesses do not create the type and quantity of jobs that might help sustain robust industrial employment centers (such as those around Miami International Airport and the City of Doral) that can alleviate the needs of a community that must commute long distances from their homes to the centers of employment. As discussed below, providing employment opportunities in the west end of the County would greatly assist the stifling transportation needs of the community.

Because of the proximity of the Property to MSA 6.1, it is essential to examine the industrial and commercial land supply in MSA 6.1. However, the situation in MSA 6.1 is even more dismal. In fact, the 2010 EAR concludes that industrial land in MSA 6.1 was depleted in 2010. In practical terms, this means that there is little opportunity to create any development opportunities that will generate job growth anywhere west of the Florida Turnpike from SW 8<sup>th</sup> Street all the way to SW 120<sup>th</sup> Street (where the available industrial land adjacent to Miami Executive Airport can be found but has not produced major employment opportunities despite its proximity to the airport). The residents of this sizable and populous part of Miami Dade County have little option but to travel east and north to employment centers—further congesting the County’s roadways and creating lengthy commutes.

*Need for Commercial Land.* While at first blush the depletion year of 2029 for commercial land in MSA 6.2 would suggest that there is ample commercial land for development on an aggregate level, there are few opportunities to find a large tract of land such as Parcel B at the intersection of two arterial roadways. This privileged location would provide for commercial shopping uses for travelers on Krome Avenue—a major north/south arterial roadway slated for expansion (see below)—as well as North Kendall Drive (the area’s principal east/west corridor). Moreover, development within Parcel B would provide complementary personal and retail services to the firms and workers in Parcel A. Once again, it is useful to look across North Kendall Drive to the conditions of MSA 6.1, where little, if any, commercial land is available. As with the need for additional industrial land, the need for commercial land in MSA 6.1 is uncontroverted. In fact, the 2010 EAR projects that the available commercial land in MSA 6.1 will be depleted this year (2015).

*“West End” Report.* As discussed above, the addition of the Property to the UDB would create provide a large enough tract of land at the crossroads of MSA 6.1 and 6.2 to promote the establishment of a large employment center in close proximity to a future population of 400,000. Job creation was one of the principal tenets of the recently completed “West End Strategy: A

Vision for the Future”, (the “West End Study”), published this year by the Florida International University College of Architecture, with the assistance of a grant provided by the Board of County Commissioners at the request of the Commissioner for District 11 (where the Property is located). To be clear, the West End Study states clearly that it is not meant to supplement the CDMP, but rather to augment it (Page 13 of the West End Study). As defined (from SW 8<sup>th</sup> Street to SW 152<sup>nd</sup> Street and from the Florida Turnpike to Krome Avenue) the “West End” includes the Property and is home to approximately 213,000 residents as of 2015. The West End Study is both informational in its collection of data, and aspirational in its goal setting and call for strategic action. In particular, item 2 of the West End Study’s Strategic Action agenda is entitled “Create Immediate Employment and Work Opportunities in the West End”. Tellingly, this entire section is highlighted and bolded on page 25 of the West End Study:

**“Expanding employment opportunities within the area may be the single most important issue facing the West End. The mismatch between the West End’s high number of resident employees (over 105,000) and low number of jobs within the district means that 78% of the West End’s residents leave the West End to work each day. This simple characteristic is a major source of the West End’s transportation congestion, long commute times, and congestion on all major routes leading into and out of the area. This situation is highly unsustainable.”** (Page 25 of the West End Study)

The West End Study provides a break-down of the ‘workplace clusters’ for residents in District 11. In particular, 31.7% of the workers in District 11 (which includes the Property, and generally stretches west of SW 137<sup>th</sup> Avenue--though at some points it reaches as far east as SW 107<sup>th</sup> Avenue--and from 8<sup>th</sup> Street to SW 152<sup>nd</sup> Street) travel toward the northeast to an area that roughly encompasses the Cities of Doral, Hialeah (partially) and Hialeah Gardens and the Town of Medley for work (see page 98 of the West End Study). What those areas have in abundance is large, well developed industrial and commercial tracts that can support increased employment. In fact, more District 11 residents travel this area than any other, including the downtown Miami urban core for work. The request to re-designate the Property is an opportunity to create a sizable employment center and the opportunity to start to reverse the tide—and the commute direction—for this community.

#### *Transportation Improvements and Accessibility of the Property.*

The CDMP is a forward-looking, prospective guiding document. In turn, our community’s planners and transportation agencies determine short, medium and long range plans and needs to accommodate the needs of the community. As noted above, the Property is located at the intersection of Krome Avenue and North Kendall Drive. Krome Avenue has long been a major thoroughfare for north/south travel at the western end of our community. Over the years, growth to the south and an increased need to move commercial goods away from the more congested roads in the center of Miami-Dade County have led to sizable increases in traffic for Krome Avenue. As such, FDOT, which manages and maintains Krome Avenue, has commenced an ambitious and community-changing remodel, redesign and enhancement of this important arterial thoroughfare. According to the FDOT, this is the proposed scope of work for the stretch of Krome Avenue from North Kendall Drive north to SW 8<sup>th</sup> Street:

**SR 977 Krome Avenue:**

- Widening the road from two lanes to four lanes
- Installing a 40-foot median
- Installing a new drainage system
- Installing guardrail throughout the project limits
- Installing plastic poles between northbound and southbound travel lanes to increase awareness and discourage passing
- Constructing a new multi-use trail for walking and biking

**SR 94/Kendall Drive/SW 99 Street**

- Realigning the intersection
- Reconstructing the roadway and shoulders
- Upgrading signage, lighting and traffic signals

This project commenced in February 2015 and is slated for completion in December 2017 at a cost of \$58,988,318 (all project data from [www.fdotmiamidade.com](http://www.fdotmiamidade.com)).<sup>1</sup> Given the timing of this request, and any subsequent zoning approvals and subdivision platting requirements for the Property, the Krome widening project will likely be finished concurrently with any development of the Property. This will allow the proposed development of the Property to enjoy the benefits of greater, faster access to the north without the need to travel east into the heart of Miami-Dade County (and creating greater gridlock).

In addition to the Krome Avenue widening project, the Miami-Dade Expressway Authority (MDX) is also weighing and studying the “SR 836 Southwest Extension”. SR 836 (the Dolphin Expressway) is Miami-Dade County’s major east-west thoroughfare. In the last decade, SR 836 was expanded west by 20 blocks to SW 137<sup>th</sup> Avenue. While this has provided some relief for the residents of the “West End” and western Miami-Dade County, the reality is that a further expansion to the south and west would continue to provide for limited-access highway transportation to an area that has grown exponentially over the last two decades. MDX’s initial studies have identified a number of locations for the ‘southwest’ extension of SR 836 and all options being studied would bring any extension to within no more than 40 blocks of the Property. In fact, a prominent option would co-locate the extension along Krome Avenue, further enhancing the capacity of that corridor. Other options for the roadway include routes along SW 137<sup>th</sup> Avenue and SW 157<sup>th</sup> Avenue—both options that would bring increased limited-access highway connectivity much closer to the Property and would alleviate any increase in traffic to the east.

*Proposed Declaration of Restrictions.*

CDMP applications are inherently conceptual and deservedly so. The focus of any analysis should be broad-based, including an assessment of general conditions, needs, relationship to other communities and other requirements as imposed by the CDMP. Site specific considerations

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<sup>1</sup> In fact, FDOT has several other projects slated for Krome that will ultimately widen the road south to its terminus in Homestead and make other improvements. For instance, the stretch from Krome to SW 136<sup>th</sup> Street is scheduled to be widened to four lanes starting in August 2016 and be completed in February 2019.

regarding any proposed project are better suited for analysis during the zoning and site plan approval phase when those details can be elaborated. However, an application to amend the UDB merits additional discussion about the proposed project contemplated and the limitations on the proposed development that might be warranted. In keeping with the desire to address both the established needs (as defined in the CDMP) for more industrial and commercial lands and the broader base need (as articulated in the West End Study and other discussions) to grow the employment base of this area of Miami Dade County, the Applicant will provide through a Declaration of Restrictions a development program that will incorporate traditional industrial space (warehouses and related offices), a stand-alone office building, retail and personal services within Parcel B (fronting the two major roadways). The proposed Declaration of Restrictions will prohibit residential dwelling units in the Property. Finally, the Declaration of Restrictions would provide for the management and preservation of the certain environmental sensitive areas in the southeast corner of the Property, consistent with the requirements of Chapter 24 of the County Code and would prohibit the storage, use, generation or disposal of hazardous materials within the Property.

*UDB Expansion Criteria Review.* Requests to expand the UDB are governed principally by Policies LU-8F, LU-8G and LU-8H of the Land Use Element ("LUE") of the CDMP. LU-8F provides, in part, as follows:

- The adequacy of non-residential land supplies shall be determined on the basis of land supplies in subareas of the County appropriate to the type of use, as well as the Countywide supply within the UDB. The adequacy of land supplies for neighborhood and community-oriented business and office uses shall be determined on the basis of localized subarea geography such as Census Tracts, Minor Statistical Areas (MSAs) and combinations thereof. Tiers, Half-Tiers and combinations thereof shall be considered along with the Countywide supply when evaluating the adequacy of land supplies for regional commercial and industrial activities. *(emphasis added)*

As noted above, there is support for the inclusion of additional industrial, as well as business and office designated lands, as requested by this Application simply by performing the standard needs analysis. This is particularly true when you incorporate the CDMP's guidance, emphasized above, to take a regional look for larger tracts of land. In fact, MSA 6.2 is part of the wider South Central Tier, in which both commercial and industrial lands will be depleted by 2022. Given the lead time for any development such as the one proposed for the Property, prudent planning requires that the County take action now to address the impacts of the upcoming depletion on an expanding population (with the accompanying need for jobs and services). Similarly, the analysis contained in the West End Study, which studies another 'area'—the West End—reaches a complementary conclusion in exhorting for more employment centers in the western half of Miami-Dade County.

A review of Policy LU-8G(iii), the pertinent section for review with respect to the Property, reads as follows:

- o When considering land areas to add to the UDB, after demonstrating that a need exists, in accordance with the foregoing Policy LU-8F:
  - (iii) The following areas shall be given priority for inclusion, subject to conformance with Policy LU-8F and the foregoing provision of this policy:
    - o Land within the Planning Analysis Tiers having the earliest projected supply depletion year; and
    - o Land with the UEA (urban expansion areas) and contiguous to the UDB; and
    - o Locations within one mile of a planned urban center or extraordinary transit service; and
    - o Locations having projected surplus service capacity or where necessary facilities and services can be readily extended.

The Property meets the four sub-criteria of Policy LU-8G(iii). In particular, the Property is in the UEA, contiguous to the UDB and is served, or can be easily served at the owner's expense, by all public infrastructure needs (water, sewer, etc.).

Finally, we review the criteria set forth in Policy LU-8H, which contains a number of requirements concerning minimum development density (to be addressed in the proposed Declaration), adequate buffering to adjacent agricultural lands and the promotion of bicycle and pedestrian accessibility (which can be addressed in any future site plan). Any UDB application must also not discourage or inhibit redevelopment efforts within the UDB, which as we have shown is not the case as this Property's size and location makes it ideal for a regional employment center not likely to be replicated in smaller infill parcels. Additionally, no intervening parcels are left between the Property and the UDB (no 'hole-in-the donut'), and finally an industrial and commercial parcel such as the Property will have a net positive fiscal impact on the County. In particular, the development of the Property will create jobs and increase the tax base. The owners of the Property will submit under separate cover an economic analysis for staff's consideration.

*Additional CDMP Goals, Objectives and Policies Satisfied by Application.* Approval of this application would further implementation of the following CDMP objectives and policies:

LAND USE OBJECTIVE LU-1: The location and configuration of Miami-Dade County's urban growth through the year 2030 shall emphasize concentration and intensification of development around centers of activity, development of well-designed communities containing a variety of uses, housing types and public services, renewal and rehabilitation of blighted areas, and contiguous urban expansion when warranted, rather than sprawl.

LAND USE POLICY LU-1C: Miami-Dade County shall give priority to infill development on vacant sites in currently urbanized areas, and redevelopment of substandard or underdeveloped environmentally suitable urban areas contiguous to existing urban development where all necessary urban services and facilities are projected to have capacity to accommodate additional demand.

LAND USE POLICY LU-1G: Business developments shall preferably be placed in clusters or nodes in the vicinity of major roadway intersections, and not in continuous strips or as isolated spots, with the exception of small neighborhood nodes. Business developments shall be designed to relate to adjacent development, and large uses should be planned and designed to serve as an anchor for adjoining smaller businesses or the adjacent business district. Granting of commercial or other non-residential zoning by the County is not necessarily warranted on a given property by virtue of nearby or adjacent roadway construction or expansion, or by its location at the intersection of two roadways.

LAND USE OBJECTIVE LU-8: Miami-Dade County shall maintain a process for periodic amendment to the Land Use Plan Map consistent with the adopted Goals, Objectives and Policies of this Plan, which will provide that the Land Use Plan Map accommodates projected countywide growth.

LAND USE POLICY LU-8B: Distribution of neighborhood or community-serving retail sales uses and personal and professional offices throughout the urban area shall reflect the spatial distribution of the residential population, among other salient social, economic and physical considerations.

LAND USE POLICY LU-8E: Applications requesting amendments to the CDMP Land Use Plan map shall be evaluated for consistency with the Goals, Objectives and Policies of all Elements, other timely issues, and in particular the extent to which the proposal, if approved would:

- i) Satisfy a deficiency in the Plan map to accommodate the projected population or economic growth of the County;
- ii) Enhance or impede provision of services at or above adopted LOS standards;
- iii) Be compatible with abutting and nearby land uses and protect the character of established neighborhoods; and
- iv) Enhance or degrade environmental or historical resources, features or systems of County significance; and
- v) if located in a planned Urban Center, or within ¼ mile of an existing or planned transit station, exclusive busway stop, transit center, or standard or express bus stop served by peak period headways of 20 or fewer minutes, would be a use that promotes transit ridership and pedestrianism as indicated in the policies under Objective LU-7, herein.

LAND USE OBJECTIVE LU-9: Miami-Dade County shall continue to maintain, update and enhance the Code of Miami-Dade County, administrative regulations and procedures, and special area planning program to ensure that future land use and development in Miami-Dade County is consistent with the CDMP, and to promote better planned neighborhood and communities and well-designed buildings.

LAND USE POLICY LU-9H: Miami-Dade County shall continue its special area planning program to emphasize preparation of physical land use and urban design plans for strategic and high-growth locations, such as urban centers and certain transportation corridors as defined in the CDMP.

high-growth locations, such as urban centers and certain transportation corridors as defined in the CDMP.

LAND USE POLICY LU-9J: Miami-Dade County shall continue to use the design guidelines established in its urban design manual as additional criteria for use in the review of all applications for new residential, commercial and industrial development in unincorporated Miami-Dade County, and shall consider the inclusion of such guidelines into its land development regulations.

LAND USE OBJECTIVE LU-10: Energy efficient development shall be accomplished through metropolitan land use patterns, site planning, landscaping, building design, and development of multi-modal transportation systems.

LAND USE POLICY 10A: Miami-Dade County shall facilitate contiguous urban development, infill, redevelopment of substandard or underdeveloped urban areas, high intensity activity centers, mass transit supportive development, and mixed-use projects to promote energy conservation. To facilitate and promote such development Miami-Dade County shall orient its public facilities and infrastructure planning efforts to minimize and reduce deficiencies and establish the service capacities needed to support such development.

5. LOCATION MAP for APPLICATION

Attached.

6. COMPLETED DISCLOSURE FORMS

Attached.

7. ADDITIONAL MATERIALS SUBMITTED

Legal Description and Sketch (See Exhibit A)

Section Sheet (See Exhibit B)

Aerial (See Exhibit C)

Additional items in support of this Application, including the proposed Declaration of Restrictions, will be submitted at a later date.

## Exhibit "A"

### Legal Description for Parcel A (Re-designation to Industrial and Office):

A PORTION OF LAND LYING IN TRACTS 41, 42, 56, 57 AND ALL OF TRACTS 55 AND 58, OF MIAMI EVERGLADES LAND CO. LTD., RECORDED IN PLAT BOOK 2 AT PAGE 3 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, SAID PORTION OF LAND LYING WITHIN SECTION 31, TOWNSHIP 51 SOUTH, RANGE 39 EAST, IN MIAMI-DADE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF SAID SECTION 31, THENCE N02°13'21"W 548.25 FEET, ALONG THE WEST LINE OF SAID SECTION 31, TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF SW 177th AVENUE (KROME AVENUE-STATE ROAD No. 997), SAID POINT ALSO BEING THE BEGINNING OF A NON-TANGENT CURVE CONCAVE TO THE WEST HAVING A RADIUS OF 5804.58 FEET WHICH BEARS A RADIAL LINE S83°00'07"E; THENCE NORTHERLY 934.11 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 9°13'14"; THENCE ALONG A TANGENT LINE, N02°13'21"W 381.92 FEET, TO THE INTERSECTION WITH THE SOUTH RIGHT-OF-WAY LINE FOR S.W. 88th STREET (KENDALL DRIVE); THENCE ALONG THE SAID SOUTH RIGHT-OF-WAY LINE, N89°44'52"E 573.06 FEET, TO THE BEGINNING OF A TANGENT CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 1854.86 FEET; THENCE SOUTHEASTERLY 694.31 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 21°26'49"; THENCE DEPARTING THE SAID SOUTH RIGHT-OF-WAY LINE, S02°13'48"E 1687.70 FEET, TO A POINT ON THE SOUTH LINE OF SAID SECTION 31; THENCE ALONG THE PREVIOUSLY DESCRIBED LINE, S87°43'33"W 1321.34 FEET, TO THE POINT OF BEGINNING, CONTAINING 53.4 ACRES MORE OR LESS

LESS

A portion of Tracts 41 & 42 of "MIAMI EVERGLADE LAND Co. LTD", according to the Plat thereof, as recorded in Plat Book 2, at Page 3, of the Public Records of Miami Dade County, Florida, and lying in Section 31, Township 54 South, Range 39 East, Miami-Dade County, Florida, being more particularly described as follows:

COMMENCE at the SE Corner of Section 36, Township 54 South, Range 38 East, Miami-Dade County, Florida; thence N89°44'52"E for 75.04 feet to a point on the Northerly prolongation of the East Right of Way Line of State Road No. 997 (Krome Avenue), as shown on the Florida Department of Transportation Right of Way Map, Section 87150-2901, and last dated on September 9, 1971; thence S02°13'21"E along said Northerly prolongation of the East Right of Way Line of State Road No. 997 (Krome Avenue), for 55.03 feet to a point on the South Right of Way Line of State Road No. 94 (North Kendall Drive), as shown on the Florida Department of Transportation Right of Way Map, Section 87150-2901, and last dated on September 9, 1971, said point also being the POINT OF BEGINNING of the parcel of land hereinafter described; thence N89°44'52"E along said South Right of Way Line of State Road No. 94 (North Kendall Drive), for 573.06 feet to a Point of Curvature of a circular curve, concave to the Southwest; thence Easterly and Southeasterly along the arc of said curve, having for its elements a radius of 1854.86 feet, a central angle of 4°20'38" for an arc distance of 140.63 feet; thence S02°13'48"E for 444.73 feet; thence S89°44'52"W for 713.84 feet to a point on the East Right of Way Line of State Road No. 997 (Krome Avenue), as shown on the Florida Department of Transportation Right of Way Map, Section 87150-2901, and last dated on September 9,

1971, said point also being on a circular curve, concave to the West (said point bears N88°27'19"E from the center of said curve); thence Northerly and Northwesterly along the arc of said curve, having for its elements a radius of 5804.58 feet, a central angle of 00°40'20" for an arc distance of 68.11 feet to a Point of Tangency; thence N02°13'21"W along said East Right of Way Line of State Road No. 997 (Krome Avenue), for 381.94 feet to the Point of Beginning.

Containing 320,643 Square Feet or 7.36 Acres, more or less (Net Area) and 435,657 Square Feet or 10.00 Acres, more or less (Gross Area), by calculations.

**Legal Description for Parcel B (Re-designation to Business and Office):**

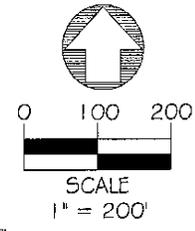
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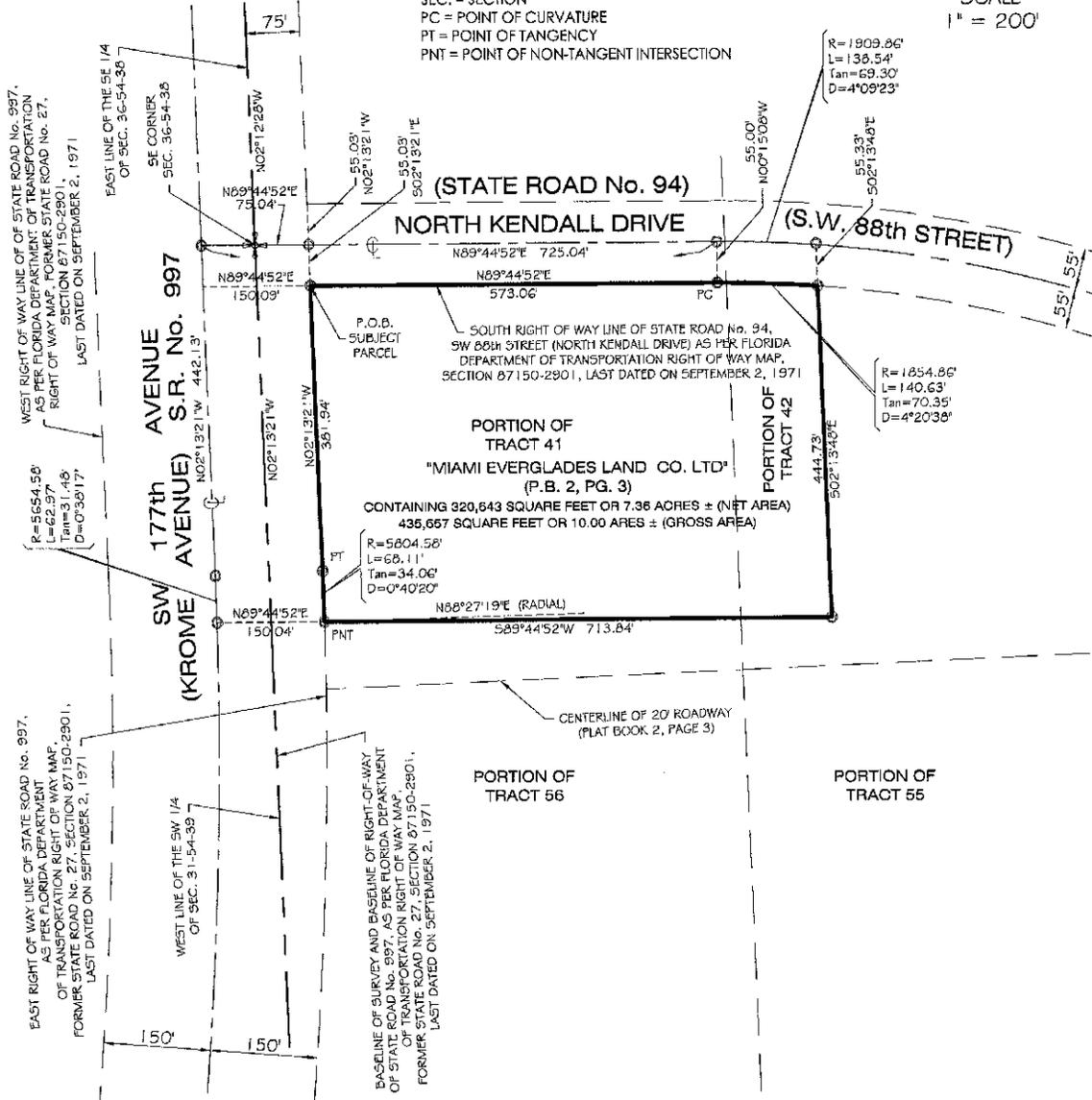
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# SKETCH AND LEGAL DESCRIPTION 10 ACRES PARCEL AT NPC 53 ACRES AT WEST KENDALL



**LEGEND:**  
 P.O.C. = POINT OF COMMENCEMENT  
 P.O.B. = POINT OF BEGINNING  
 P.B. = PLAT BOOK  
 PG. = PAGE  
 SEC. = SECTION  
 PC = POINT OF CURVATURE  
 PT = POINT OF TANGENCY  
 PNT = POINT OF NON-TANGENT INTERSECTION



NOTICE: This document is not valid, full and complete without all pages.

**EXHIBIT "A"**

**LONGITUDE SURVEYORS, LLC**

7715 NW 48TH STREET, SUITE 310, DORAL, FLORIDA 33166 \* PHONE: (305) 463-0912 \* FAX: (305) 515-5680 \* WWW.LONGITUDESURVEYORS.COM

L:\151534 8800 Krome Avenue, Miami\dwg\Sketch and Logy\151534 S. 10 Acres Gross.dwg 6/5/2015 12:30:51 PM [3]  
 JOB No. 15334 PAGE 1 OF 3

**SKETCH AND LEGAL DESCRIPTION  
10 ACRES PARCEL AT NPC 53 ACRES AT WEST KENDALL**

LEGAL DESCRIPTION OF SUBJECT PARCEL:

A portion of Tracts 41 & 42 of "MIAMI EVERGLADE LAND Co. LTD", according to the Plat thereof, as recorded in Plat Book 2, at Page 3, of the Public Records of Miami Dade County, Florida, and lying in Section 31, Township 54 South, Range 39 East, Miami-Dade County, Florida being more particularly described as follows:

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**LONGITUDE** SURVEYORS, LLC

7715 NW 48TH STREET, SUITE 310, DORAL, FLORIDA 33166 \* PHONE: (305) 463-0912 \* FAX: (305) 513-5680 \* WWW.LONGITUDESURVEYORS.COM  
L:\15334 8800 Krome Avenue, Miami\cwg\Sketch and Legal\15334 SL 10 Acres Cross.dwg 6/3/2015 12:48:51 PM EDT

JOB No. 15334 PAGE 2 OF 3

EXHIBIT "B"

**LOCATION MAP FOR APPLICATION TO AMEND  
THE COMPREHENSIVE DEVELOPMENT MASTER PLAN**

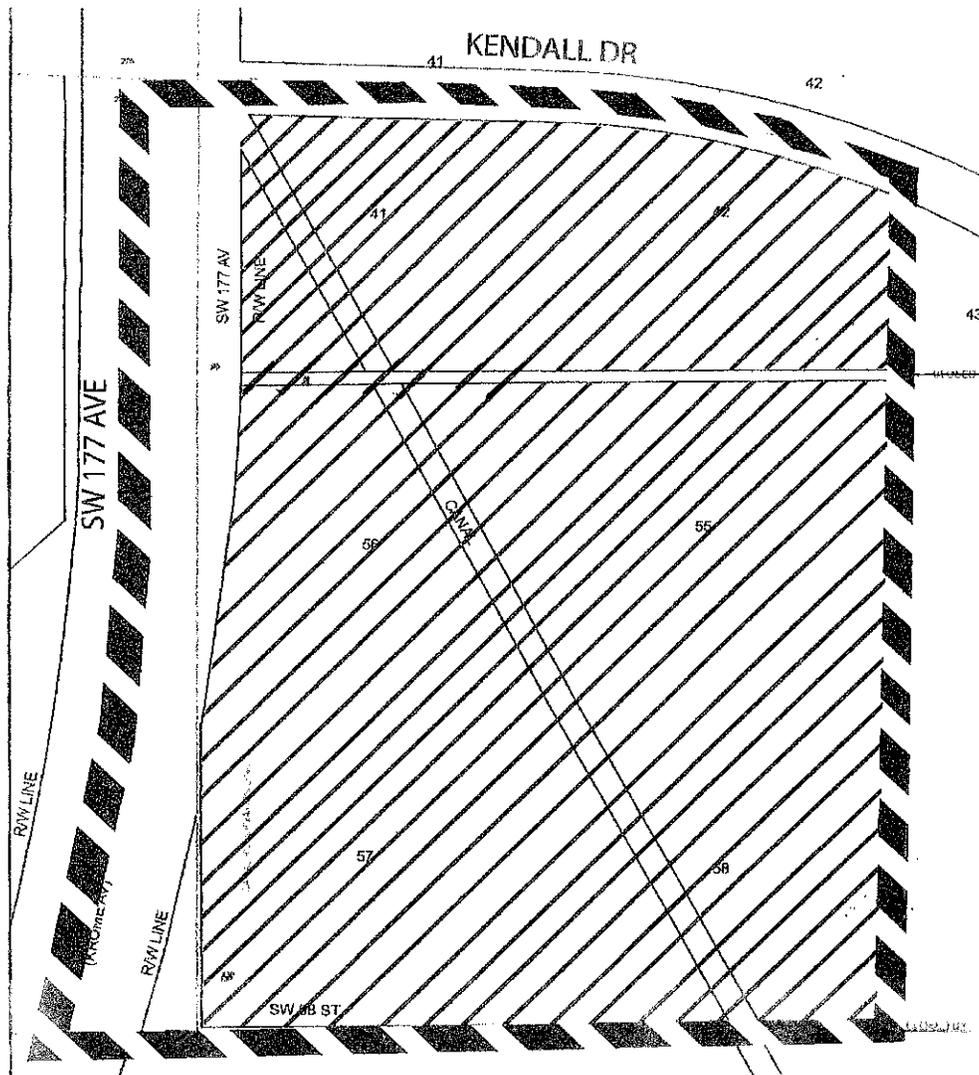
APPLICANTS/REPRESENTATIVE

Neighborhood Planning Company, LLC / Richard A. Perez, Esq. and Hugo P. Arza, Esq.

DESCRIPTION OF SUBJECT AREA

The Property contains approximately 53.4 gross acres ( $\pm$  53.11 net acres) of land located in Section 31, Township 54 South, Range 39 East, located on the southeast corner of the intersection of SW 177 Avenue (Krome Avenue) and SW 88 Street (Kendall Drive) in unincorporated Miami-Dade County. The Property is more specifically described in Exhibit "A" to this application.

LOCATION MAP



## DISCLOSURE OF INTEREST

This form or a facsimile must be filed by all applicants having an ownership interest in any real property covered by an application to amend the Land Use Plan map. Submit this form with your application. Attach additional sheets where necessary.

**1. APPLICANT (S) NAME AND ADDRESS:**

APPLICANT A: Neighborhood Planning Company, LLC

ADDRESS: 1390 South Dixie Highway, Suite 1200 Coral Gables, FL 33146

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Use the above alphabetical designation for applicants in completing Sections 2 and 3, below.

2. **PROPERTY DESCRIPTION:** Provide the following information for all properties in the application area in which the applicant has an interest. Complete information must be provided for each parcel.

	APPLICANT	OWNER OF RECORD	FOLIO NUMBER	SIZE IN ACRES
A	Neighborhood Planning Company, LLC		30-4931-001-0400	
			30-4931-001-0410	
			30-4931-001-0570	
			30-4931-001-0540	
			TOTAL: 53.4 Acres	

3. For each applicant, check the appropriate column to indicate the nature of the applicant's interest in the property identified in 2. above.

APPLICANT	OWNER	LESSEE	CONTRACTOR FOR PURCHASE	OTHER (Attach Explanation)
A	X			

4. DISCLOSURE OF APPLICANT'S INTEREST: Complete all appropriate sections and indicate N/A for each section that is not applicable.

a. If the applicant is an individual (natural person) list the applicant and all other individual owners below and the percentage of interest held by each.

<u>INDIVIDUAL'S NAME AND ADDRESS</u>	<u>PERCENTAGE OF INTEREST</u>

b. If the applicant is a CORPORATION, list the corporation's name, the name and address of the principal stockholders and the percentage of stock owned by each. [Note: where the principal officers or stockholders, consist of another corporation (s), trustee(s), partnership(s) or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity.]

**CORPORATION NAME:** Neighborhood Planning Company, LLC

<u>NAME, ADDRESS, AND OFFICE ( if applicable)</u>	<u>PERCENTAGE OF STOCK</u>
<u>SEE EXHIBIT "A" ATTACHED HERETO</u>	

c. If the applicant is a TRUSTEE, list the trustee's name, the name and address of the beneficiaries of the trust, and the percentage of interest held by each. [Note: where the beneficiary/beneficiaries consist of corporation(s), partnership(s), or other similar entities, further disclosure shall be required which discloses the identity of the individual (s) (natural persons) having the ultimate ownership interest in the aforementioned entity].

**TRUSTEES NAME:** \_\_\_\_\_

BENEFICIARY'S NAME AND ADDRESS

PERCENTAGE OF INTEREST

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- d. If the applicant is a PARTNERSHIP or LIMITED PARTNERSHIP, list the name of the partnership, the name and address of the principals of the partnership, including general and limited partners and the percentage of interest held by each partner. [Note: where the partner (s) consist of another partnership(s), corporation (s) trust (s) or other similar entities, further disclosure shall be required which discloses the identity of the individual (s) (natural persons) having the ultimate ownership interest in the aforementioned entity ].

**PARTNERSHIP NAME:** \_\_\_\_\_

NAME AND ADDRESS OF PARTNERS

PERCENTAGE OF INTEREST

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- e. If the applicant is party to a CONTRACT FOR PURCHASE, whether contingent on this application or not, and whether a Corporation, Trustee, or Partnership, list the names of the contract purchasers below, including the principal officers, stockholders, beneficiaries, or partners. [Note: where the principal officers, stockholders, beneficiaries, or partners consist of another corporation, trust, partnership, or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity].

**CORPORATION NAME:**

Neighborhood Planning Company, LLC

NAME, ADDRESS, AND OFFICE (if applicable)

PERCENTAGE OF STOCK

SEE EXHIBIT "A" ATTACHED HERETO

- c. If the owner is a TRUSTEE, and list the trustee's name, the name and address of the beneficiaries of the trust and the percentage of interest held by each. [Note: where the beneficiary/beneficiaries consist of corporation(s), another trust(s), partnership(s) or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity].

**TRUSTEE'S NAME:**

BENEFICIARY'S NAME AND ADDRESS

PERCENTAGE OF INTEREST

- d. If the owner is a PARTNERSHIP or LIMITED PARTNERSHIP, list the name of the partnership, the name and address of the principals of the partnership, including general and limited partners, and the percentage of interest held by each. [Note: where the partner(s) consist of another partnership(s), corporation(s) trust(s) or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity].

**PARTNERSHIP NAME:**

The above is a full disclosure of all parties of interest in this application to the best of my knowledge and behalf.

Neighborhood Planning Company, LLC,  
a Florida limited liability company

By: NPC Management, LLC  
a Florida limited liability company, Manager

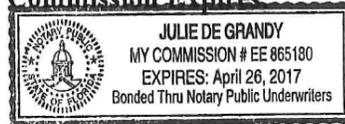
By: \_\_\_\_\_  
Name: Armando Guerra  
Title: Manager of NPC Management, LLC

Sworn to and subscribed before me

this 1<sup>ST</sup> day of JUNE, 2015

My Commission Expires:

\_\_\_\_\_  
Notary Public, State of Florida at Large (SEAL)



Disclosure shall not be required of any entity, the equity interest in which are regularly traded on an established securities market in the United States or other country; or pension funds or pension trusts of more than five thousand (5,000) ownership interests; any entity where ownership interests are held in a partnership, corporation or trust consisting of more FMGM than five thousand (5,000) separate interests including all interests at each level of ownership, and no one pension or entity holds more than a total of five (5) percent of the ownership interest in the partnership, corporation or trust; or of any entity, the ownership interest of which are held in a partnership, corporation or trust consisting of more than 5,000 separate interests and where no one person or entity holds more than a total of 5% of the ownership interest in the partnership, corporation or trust. Entities whose ownership interests are held in partnership, corporation, or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership, shall only be required to disclose those ownership interest which exceed five (5) percent of the ownership interest in the partnership, corporation or trust.

EXHIBIT "A"  
DISCLOSURE OF INTEREST

Neighborhood Planning Company Percentage Ownership (Breakdown)

5/27/2015

Company Name	Members	% Ownership in Company	% Ownership in NPC LLC
Adolfo Henriques and Elizabeth Henriques	Adolfo Henriques and Elizabeth Henriques, as tenants by the entirety	100.00000%	0.6231%
	<b>Total</b>	<b>100.00000%</b>	<b>0.6231%</b>
ALA II LLC	Conchi Perdomo Argiz	100.00000%	1.4749%
	<b>Total</b>	<b>100.00000%</b>	<b>1.4749%</b>
Alberto Perez and Olga Irene Perez	Alberto Perez and Olga Irene Perez, as tenants by the entirety	100.00000%	0.9184%
	<b>Total</b>	<b>100.00000%</b>	<b>0.9184%</b>
Arazoza Land Bank LLC	Alberto Arazoza Carlos Arazoza Gloria Arazoza	33.33333% 33.33333% 33.33333%	0.1261% 0.1261% 0.1261%
	<b>Total</b>	<b>100.00000%</b>	<b>0.3782%</b>
Bernardo Goenaga	Bernardo Goenaga	100.00000%	5.4757%
	<b>Total</b>	<b>100.00000%</b>	<b>5.4757%</b>
Brialan Corp	Alberto Guerra Vivian Guerra	50.00000% 50.00000%	0.8849% 0.8849%
	<b>Total</b>	<b>100.00000%</b>	<b>1.7698%</b>
C.M.G. Holdings, LLC	Carlos M. Garcia Living Trust Karl Garcia Living Trust	95.00000% 5.00000%	5.2909% 0.2785%
	<b>Total</b>	<b>100.00000%</b>	<b>5.5694%</b>
DLI Investments Inc	Daniel F. Valdes Leticia R. Valdes David L. Valdes	33.33333% 33.33333% 33.33333%	1.3765% 1.3765% 1.3765%
	<b>Total</b>	<b>100.00000%</b>	<b>4.1296%</b>
EEH Family Investments LLC	Emiliano Herran, Sr Emiliano Herran, Jr	50.00000% 50.00000%	0.2341% 0.2341%
	<b>Total</b>	<b>100.00000%</b>	<b>0.4682%</b>
Ezequiel Herran as Trustee of the Ezequiel Herran Revocable Trust and Nancy Herran as Trustee of the Nancy Herran Revocable Trust	Ezequiel Herran Revocable Trust Nancy Herran Revocable Trust	50.00000% 50.00000%	1.4749% 1.4749%
	<b>Total</b>	<b>100.00000%</b>	<b>2.9497%</b>
First Southeast Equities Inc	James Dorsy Samantha Dorsy	50.00000% 50.00000%	0.7722% 0.7722%
	<b>Total</b>	<b>100.00000%</b>	<b>1.5443%</b>
Fortec LLC	Miguel Poyastro Ezra Katz Ashbel Investments, Ltd W. Thomas Duncan	50.00000% 30.00000% 10.00000% 10.00000%	2.0043% 1.2026% 0.4009% 0.4009%
	<b>Total</b>	<b>100.00000%</b>	<b>4.0085%</b>
Francisco R. Angones or Georgina A. Angones	Francisco R. Angones Georgina A. Angones	50.00000% 50.00000%	0.2936% 0.2936%
	<b>Total</b>	<b>100.00000%</b>	<b>0.5871%</b>
General Real Estate Corp	Agustin Herran	100.00000%	7.9325%
	<b>Total</b>	<b>100.00000%</b>	<b>7.9325%</b>
Guerra Group Company LLC	Jorge Guerra	100.00000%	1.2533%
	<b>Total</b>	<b>100.00000%</b>	<b>1.2533%</b>
Heys Investment, LLC	Maria M. Herran Jose A & Lourdes Herran Ana Mary Herran Daniel and Nancy Sanemeterio Herran	40.00000% 20.00000% 20.00000% 20.00000%	0.9439% 0.4719% 0.4719% 0.4719%
	<b>Total</b>	<b>100.00000%</b>	<b>2.3597%</b>
Highland Company LLC	Robert E. Chisholm and Lillian F. Chisholm, as joint tenants with rights of survivorship Robert M. Chisholm and Bianca Chisholm, as joint tenants with rights of survivorship Alfred E. Chisholm and Maria L. Chisholm, as joint tenants with rights of survivorship Jacqueline C. Rasco and Jose Ignacio Rasco, III, as joint tenants with rights of survivorship	89.28000% 5.36000% 3.57000% 1.79000%	0.6033% 0.0362% 0.0241% 0.0121%
	<b>Total</b>	<b>100.00000%</b>	<b>0.6757%</b>

Jose A. Herran Revocable Trust	Jose A. Herran Revocable Trust	100.00000%	3.5396%
	<b>Total</b>	<b>100.00000%</b>	<b>3.5396%</b>
<b>Company Name</b>	<b>Members</b>	<b>% Ownership in Company</b>	<b>% Ownership in NPC LLC</b>
Karl Garcia Irrevocable Trust	Karl Garcia Living Trust	100.00000%	2.4779%
	<b>Total</b>	<b>100.00000%</b>	<b>2.4779%</b>
Machado Land Holdings LLC.	Jose Luis Machado III, Revocable Trust	14.29000%	0.1977%
	Vivian M Isern	14.29000%	0.1977%
	Jose Luis Machado Jr, Grandchildren's Irrev Trust #1	14.29000%	0.1977%
	Jose Luis Machado Jr, Grandchildren's Irrev Trust #2	14.29000%	0.0317%
	Jose Luis Machado Jr, Grandchildren's Irrev Trust #3	14.28000%	0.0333%
	Jose Luis Machado Jr, Grandchildren's Irrev Trust #4	14.28000%	0.0333%
	Jose Luis Machado III, Children's Irrevocable Trust #3	14.28000%	0.0317%
	<b>Total</b>	<b>100.00000%</b>	<b>1.3834%</b>
Manuel A. Herran and Nyria Herran Trusts	Manuel A. Herran as Trustee of the Manuel A. Herran Revocable Trust	50.00000%	6.7679%
	Nyria Herran as Trustee of the Nyria Herran Revocable Trust	50.00000%	6.7679%
	<b>Total</b>	<b>100.00000%</b>	<b>13.5357%</b>
Master Plan Developers LLC	Agustin Herran	24.31125%	0.8103%
	Antonio Gonzalez	6.07756%	0.2026%
	Jose Herran	6.07711%	0.2025%
	Oscar Barbara	63.53408%	2.1175%
	<b>Total</b>	<b>100.00000%</b>	<b>3.3329%</b>
Planned Land Investments LLC	Armando J. Guerra	1.18900%	0.2245%
	Maria C Guerra Irrevocable Trust	53.37740%	10.0777%
	Ofelia Guerra Irrev Grandchild's Trust #1	15.14460%	2.8593%
	Ofelia Guerra Irrev Grandchild's Trust #2	15.14460%	2.8593%
	Ofelia Guerra Irrev Grandchild's Trust #3	15.14460%	2.8593%
	<b>Total</b>	<b>100.00020%</b>	<b>18.8800%</b>
Prime Site Investments LLC	Antonio E Placeres & Yolanda J Placeres	33.33333%	0.3774%
	Angel Diaz Norman	33.33333%	0.3774%
	Daisy M Diaz & Jose F Diaz	33.33333%	0.3774%
	<b>Total</b>	<b>100.00000%</b>	<b>0.6033%</b>
Ramon E Rasco & Ana Lauda Rasco	Ramon E Rasco	50.00000%	0.1309%
	Ana Lauda Rasco	50.00000%	0.1309%
	<b>Total</b>	<b>100.00000%</b>	<b>0.2618%</b>
Rodney Barreto	Rodney Barreto	100.00000%	1.9524%
	<b>Total</b>	<b>100.00000%</b>	<b>1.9524%</b>
Sergio Pino and Tatiana Pino	Sergio Pino and Tatiana Pino, as tenants by the entirety	100.00000%	7.2714%
	<b>Total</b>	<b>100.00000%</b>	<b>7.2714%</b>
The Sasha Andrade Irrevocable Trust	Sasha Andrade	100.00000%	0.3098%
	<b>Total</b>	<b>100.00000%</b>	<b>0.3098%</b>
The Natasha Andrade Irrevocable Trust	Natasha Andrade	100.00000%	0.3098%
	<b>Total</b>	<b>100.00000%</b>	<b>0.3098%</b>
Tres Hermanos LLP	Armando J Guerra Children's Irrev Trust F/B/O Adrienne J Guerra	33.33333%	0.2500%
	Armando J Guerra Children's Irrev Trust F/B/O Corinne M Guerra	33.33333%	0.2500%
	Armando J Guerra Children's Irrev Trust F/B/O Eric A Guerra	33.33333%	0.2500%
	<b>Total</b>	<b>100.00000%</b>	<b>0.7498%</b>
Valen LLC	Daniel R Valdes Revocable Trust	45.16000%	0.5225%
	Rosario Valdes Revocable Trust	27.45000%	0.5225%
	Emma M. Guerra Revocable Trust	22.72000%	0.5225%
	Ileana Ramirez	4.67000%	0.1529%
	<b>Total</b>	<b>100.00000%</b>	<b>3.2742%</b>

**Total: Neighborhood Planning Company LLC 100.000%**

# APPENDIX B

## **Miami-Dade County Public Schools Analysis**

(No school analysis is required; applicant's proffered Declaration of Restrictions prohibits residential development)

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# **APPENDIX C**

**Applicant's Traffic Impact Report Executive Summary  
(Required but not yet submitted)**

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# **APPENDIX D**

## **Applicant's Socio-Economic Analysis Report**

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# Miami Economic Associates, Inc.

June 29, 2015

Mr. Jack Osterholt  
Director  
Department of Regulatory and Economic Resources  
Miami-Dade County  
Miami, Florida

**Re: Proposed CDMP Amendment No. 8  
May 2015 Cycle**

Dear Mr. Osterholt:

Miami Economic Associates, Inc. (MEAI) has analyzed the above-captioned application to amend the Miami-Dade County Comprehensive Development Master Plan (CDMP), which was filed on behalf of Neighborhood Planning Company, LLC. The purpose of our analysis was to evaluate whether a need exists to expand the County's Urban Development Boundary (UDB) to include approximately 53.4 net acres of property located on the southeast corner of the intersection of N. Kendall Drive (SW 88<sup>th</sup> Street) and Krome Avenue (SW 177<sup>th</sup> Avenue) and to re-designate approximately 43.4 acres from "Agriculture" to "Industrial and Office" and the remainder from "Agriculture" to "Business and Office".

The materials that follow describe the project that would be developed on the subject property if the proposed amendment is adopted and identifies the specific sections of the Land Use Element of the CDMP that MEAI considered in conducting its analysis. We then present a summary of our findings with respect to the proposed amendment.

## **Project Description**

We understand that the subject property, if included within the UDB and re-designated as proposed, would be developed with a mixture of uses not to exceed 850,000 square feet, and likely reflecting the following program:

- 400,000 square feet of office/warehouse space
- 186,000 square feet of office space
- 90,000 square feet of retail space
- A 200-room hotel

**6861 S.W. 89<sup>th</sup> Terrace Miami, Florida 33156**  
**Tel: (305) 669-0229 Fax: (866) 496-6107 Email: meaink@bellsouth.net**

Mr. Jack Osterholt, Director  
Department of Regulatory and Economic Resources  
Miami-Dade County  
June 29, 2015  
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The conceptual plans for the site would also set aside 13.74 acres for community gardens and a farmers' market, a park, wetland preserves and a retention lake.

We further understand that the Applicant is proposing that a covenant be applied to the site that: 1) limits the amount of development on-site to 850,000 square feet; 2) prohibits residential units on the subject property; and 3) prohibits the use, storage, generation or disposal of hazardous materials on-site.

### **Executive Summary**

- The proposed project will facilitate the provision of positive distribution of land use and services to meet the physical, social, cultural and economic needs of the present and future populations in a timely and efficient manner that will maintain or improve the quality of the natural and man-made environment and amenities and preserve Miami-Dade County's unique agricultural lands.
- This application promotes the goals and conclusions of *West End Strategy: A Vision for the Future*, which was recently prepared by the College of Architecture and the Arts at Florida International University (FIU). That document states as one of its principal conclusions that "expanding employment opportunities within the area may be the single most important issue facing the West End.
- At the present time, there is a paucity of land available within the West End on which to develop a new employment center of the type the above-referenced study recommended, particularly ones of significant size.
- MEAI estimated that approximately 2,945 worker-years construction labor will be required to build the proposed project, with the workers involved earning an average of approximately \$52,000 per year according to data compiled by the Florida Department of Economic Development.
- MEAI estimates the the proposed project will accommodate 2,074 permanent workers on a full-time equivalent (FTE) basis once fully completed. We further anticipate, based on data compiled by the Florida Department of Economic Opportunity, that the average permanent employee on-site will earn in the range of \$45,000 to \$55,000 per year, depending on the actual mix of businesses attracted to the project and the occupations of their employees.
- The project will financially cover its infrastructure needs and is projected to be responsible for the payment of impact fees in a total amount of \$6,587,411, including \$5,842,239 for roads, \$464,998 for fire and \$280,174 for police.
- Upon completion, the fully developed project is anticipated to generate \$3,660,376 annually in ad valorem revenues for Miami-Dade County's various funds including \$1,750,000 for its General Fund, \$723,000 for its Unincorporated Municipal Area

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Tel: (305) 669-0229 Fax: (305) 669-8534 Email: meaink@bellsouth.net**

Mr. Jack Osterholt, Director  
Department of Regulatory and Economic Resources  
Miami-Dade County  
June 29, 2015  
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(UMSA) Fund and \$907,000 for its Fire Fund. MEAI believes that these amounts will be more than sufficient to pay for the services the proposed project will require from the County, which will most notably include police and fire services. The excess amounts will be available to help the County underwrite a wide range of County services and activities that the proposed project will not impact directly or require. The proposed project will also generate approximately \$3.0 million annually for the Miami-Dade Public School District.

- From an economic and fiscal standpoint, MEAI strongly believes that Application 8 of the May 2015 Cycle should be adopted

### **Policy Considerations**

The No. 1 Goal of the Land Use Element of the CDMP is to "provide the best possible distribution of land use and services to meet the physical, social, cultural and economic needs of the present and future populations in a timely and efficient manner that will maintain or improve the quality of the natural and man-made environment and amenities and preserve Miami-Dade County's unique agricultural lands." Within this context, the CDMP recognizes that expansions of the UDB may be necessary and it sets forth criteria for evaluating requests for expansion in Policies LU-8F, LU-8G and LU-8H. The sections of those policies relevant to Application 8 are as follows:

- **LU-8F.** ...The adequacy of non-residential land supplies shall be determined on the basis of land supplies in subareas of the County appropriate to the type of use, as well as the Countywide supply within the UDB. The adequacy of land supplies for neighborhood and community-oriented uses shall be determined on the basis of localized subarea geography such as Census Tracts, Minor Statistical Areas (MSAs) and combinations thereof. Tiers, Half-Tiers and combinations thereof shall be considered along with Countywide supply when evaluating the adequacy of land supplies for regional commercial and industrial activities.
- **LU-8G.** When considering land areas to add to the UDB, after demonstrating that a need exists, in accordance with the foregoing Policy LU-8F:

(iii) The following areas shall be given priority for inclusion...

- Land within the Planning Analysis Tiers having the earliest projected depletion year; and
- Land within the UEA (urban expansion areas) and contiguous to the UDB; and
- Land within one mile of a planned urban center or extraordinary transit service; and
- Locations having projected surplus service capacity or where necessary facilities and services can be readily expanded.

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Mr. Jack Osterholt, Director  
Department of Regulatory and Economic Resources  
Miami-Dade County  
June 29, 2015  
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- **LU-8H.** Applications requesting expansion of UDB shall be in accordance with the foregoing Policies LU-8F and LU-8G, and must meet the following criteria to be considered for approval:
  - f) The proposed development must be demonstrated not to discourage or inhibit infill and redevelopment efforts.
  - h) It must be demonstrated that the proposed development will have a positive net fiscal impact to Miami-Dade County.

### **Summary of Findings**

The materials that follow present the findings of MEAI's analysis in greater detail.

#### Needs Analysis

- As stated in the introductory paragraph of this letter report, the subject property is located on the southeast corner of the intersection of N. Kendall Drive (SW 88<sup>th</sup> Street) and Krome Avenue (SW 177<sup>th</sup> Avenue), which places it in the northwest corner of MSA 6.2. MSA 6.2 is comprised of the area west of Florida's Turnpike and east of Krome Avenue between N. Kendall Drive and Eureka Drive (SW 184<sup>th</sup> Street). MSA 6.2, together with MSA 6.1, which includes the area west of Florida's Turnpike between N. Kendall Drive and Tamiami Trail (SW 8<sup>th</sup> Street), comprise the western half-tier of the County's South Central Planning Tier. At the urging of County Commissioner Juan C. Zapata, who represents the area on the Board of County Commissioners, the area has been branded the West End.
- A report entitled *West End Strategy: A Vision for the Future*, which was recently prepared by the College of Architecture and the Arts at Florida International University (FIU), states as one of its principal conclusions that "expanding employment opportunities within the area may be the single most important issue facing the West End. The mismatch between the West End's high number of resident employees (over 105,000) and the low number of jobs within the district means that 78% of the West End's residents leave the West End to work each day. This simple characteristic is a major source of the West End's transportation congestion, long commute times, and congestion on all major routes leading into and out of the area. This situation is highly unsustainable." MEAI also notes that it is inconsistent with the No. 1 Goal of the Land Use Element of the CDMP referenced above.
- The FIU study discussed above suggests several strategies for creating significant work opportunities in the West End, two of which are substantially technology and/or computer based. The third is to support the development and creation of new firms and businesses in high-wage, high skill industries and occupations in the West End. Toward this end, it suggests that efforts should be made to leverage the presence of FIU, the Baptist Kendall campus and Miami Executive Airport in the West End area. Pursuit of this strategy will, of necessity, require space to accommodate the new firms

**Miami Economic Associates, Inc. 6861 S.W. 89<sup>th</sup> Terrace Miami, Florida 33156**  
**Tel: (305) 669-0229 Fax: (305) 669-8534 Email: meaink@bellsouth.net**

and businesses and toward that end, the FIU suggests that such facilities be developed on the expanded FIU campus after the Youth Fair relocates and in a new employment center adjacent to the airport would be excellent places for them to locate. With respect to this suggestion, the following points are noted:

- While it is true that the voters approved the concept of expanding FIU onto the property that the Youth Fair currently leases from the University as well as an adjacent County Park, it is unclear when the University will be able to meet the conditions precedent to relocating the Fair, which include finding an adequate site on which to relocate it and underwriting the cost of replacing the facilities that the Fair will vacate when it moves. Efforts to find a suitable site on which to relocate the Youth Fair within the UDB have not yielded any acceptable to the Fair. It is also noted that the Governor recently eliminated an item in the State Budget for the next fiscal year that was intended to assist FIU in relocating the Fair.
- The area surrounding Miami Executive Airport is substantially built-out, with the result that there are no privately-owned, vacant properties on which to develop a new employment center of significant size within a mile of it. Further, redevelopment of properties within a one-mile area of the airport would be extremely difficult to accomplish due the fractured ownership patterns that exist within that area. We would further note that Miami-Dade County Aviation Department has historically proposed that retail development occur on Aviation Department's land on the eastern edge of the Airport itself and to that end, has solicited the interest of the development community to use it in that manner through a formal bid process and is reported to be in negotiations with a specific party.
- The West End on an overall basis, just like the area within a one-mile radius of Miami Executive Airport, is substantially developed. In this regard, data compiled by the Planning Division of the the Department of Regulatory and Economic Resources in February, 2015, showed that the West End has a total of 133 vacant acres of industrial land, all of which is located in MSA 6.2 since the small supply of industrial land in MSA 6.1 has already been depleted. That data further estimated that remaining vacant land would be fully depleted within six years, or by 2021. Accordingly, a plan deficiency exists with respect to industrial land in MSA 6.2 as well as the western half-tier of the South Central Planning Tier and the South Central Planning Tier as whole. MEAI further notes that the South Central Planning Tier is the one in which depletion of the industrial supply of land is projected to occur at the earliest date, which is one of the four criteria that CDMP Policy LU-8G(iii) establishes for prioritizing where an expansion of the UDB should take place when a plan deficiency exists. (Note: While the other three criteria were not a specific focus of MEAI's analysis, we believe that the subject parcel meets the other three criteria set forth in Policy LU-8G(iii) as well.)
- Space to accommodate the type of businesses that the FIU strategy for creating employment in West End seeks to attract to the area could also be accommodated on

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land designated for commercial use. Data compiled by the Planning Division of the the Department of Regulatory and Economic Resources in February, 2015, showed that the West End had a total of 218.3 vacant acres of commercial land, which when taken at face value, means that depletion would not occur until after 2030. However, the following points should be noted:

- One of the sites included in the inventory of vacant land is a parcel approximately 38 acres in size located immediately to the east of the subject property. Current plans for that property indicate that its primary use when fully developed would be multi-family residential units with retail uses expected to occupy approximately a quarter of it. As of this date, a portion of the proposed residential units are under construction and application for site plan approval for additional residential units on the remainder has been filed.
- A second site included in the analysis, which is located on the southeast corner of the intersection of N. Kendall Drive and SW 162<sup>nd</sup> Avenue, is the Kendall Town Center property. To date, development on the site has included the Baptist Kendall Campus, a senior housing facility and a Miami-Dade County transit hub, with the result that only approximately 90 acres of the original 160 acres remain vacant. The existing plans for this property anticipate the primary use of this land will be as the site of a 750,000 square foot retail facility although it should be noted that the development of 350,000 square feet of office space is also envisioned.
- A third site included in the inventory of commercial land is a 42-acre parcel fronting on SW 152<sup>nd</sup> Street in the vicinity of Metrozoo that is owned by Ram Development. The site remains vacant as its development has been delayed by federal regulators. Moreover, the largest component of the project will potentially consist of 1,200 residential units.
- The remaining 48 acres of vacant commercial land in the inventory is divided among several parcels, which are generally ten or fewer acres in size. MEAI believes that retail uses will be most prevalent on these smaller parcels. This means that the 350,000 square feet of office space proposed for the Kendall Town Center parcel will probably be largest, and possibly the only significant, development to occur on the remaining vacant commercial acreage in the West End that will potentially support the FIU strategy for attracting high-wage, high skilled employment to the area. The space office space developed on the Kendall Town Center site could potential accommodate approximately 1,400 workers, which while a significant number is not sufficient to address what the FIU identified as the single most important issue adversely affecting the sustainability of the West End. MEAI further notes that if the two parcels discussed in the first and third bulleted paragraphs above are removed from the vacant land inventory, all of the land in MSA 6.2 as well as the western half-tier of the South Central Planning Tier that could potentially be used to implement FIU's strategy for the creation of high-wage, high-skilled jobs in the West End would be depleted within the County's 15-year planning horizon.

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- MEAI acknowledges that the subject property was not identified in FIU's West End Study as a site for implementing its strategy for job creation, perhaps because it is currently located outside the UDB. However, it should be recognized it is very challenging to accommodate a major new initiative that requires significant amounts of land for its implementation in a substantially developed area. However, it should be recognized that the subject property has significant assets of its own, hence the potential to augment the activity that potential occurs on the Kendall Town Center property. Those assets include the following:
  - Proximity to the Baptist Kendall campus which neither of the the two places the FIU study identified have;
  - A location at the center the West End area; and
  - Good accessibility as a result of it being at the intersection of N. Kendall Drive, a major four lane divided arterial roadway on which traffic to and from the property would counterflow the preponderance of usage, and Krome Avenue that is scheduled to be four-laned by the time any development on-site is completed and upgraded in terms of drainage and safety.
- As discussed above, CDMP Policy LU-8H(f) that an application seeking to expand the UDB must demonstrate that it will not discourage or inhibit infill and redevelopment efforts. Two points should be noted in this regard:
  - At the present time, there are no new redevelopment efforts underway in the West End, which constitutes the western half-tier of the South Central Planning Tier and is, according to CDMP Policy LU-8F, the proper context for evaluating need.
  - Even when all the potential vacant infill sites in the West End are considered, the area still has a serious deficiency of industrial and commercial land.
- MEAI estimated that the proposed project will cost approximately \$340.0 million to construct and fixture and require approximately 2,945 worker-years of construction labor, assuming the average worker earns, consistent with data compiled by the Florida Department of Economic opportunity, approximately \$52,000 per year. We further estimate that when fully completed, the proposed project would accommodate 2,074 employees on a full-time equivalent (FTE) basis. This estimate assumes that the 400,000 square feet of office/warehouse space would be divided equally between the two uses. It further assumes 4 employees per 1,000 square feet for office space, 1 employee per 1,000 square feet of warehouse space, 2 employees per 1,000 square feet of retail space and 0.75 employees per hotel room. Finally, MEAI estimates that at least an equal number of indirect and induced job would be created for each on-site job both during the construction period and on a permanent basis, albeit many of these jobs may not be located in the West End.

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Based on a review of data also compiled by the Florida Department of Economic Opportunity, MEAI anticipates that average employee on-site will earn in the range of \$45,000 to \$55,000 per year, depending on the actual mix of businesses attracted to the project and the occupations of their employees. Clearly, development of the property could serve to implement FIU's West End Strategy to improve the area's long-term sustainability while benefiting the economy of Miami-Dade County as a whole.

#### Fiscal Analysis

As discussed previously, CDMP Policy LU-8H(h) requires that an Applicant seeking to expand the UDB demonstrate the the proposed project will have a positive net fiscal impact on Miami-Dade County. For the purpose of this analysis, MEAI assumes that this language specifically means Miami-Dade County itself and not any other jurisdictions in which the proposed project is located although we will note that in this instance it will, in fact, have a positive net fiscal impact on the Miami-Dade Public School District, the Children's Trust, the South Florida Water Management District and the Florida Inland Navigation District since it will require no services from those jurisdictions while generating ad valorem taxes for each of them on an annual basis. MEAI estimates that the proposed project on the subject property will be particularly beneficial to the Miami-Dade Public School District which will receive nearly \$3.0 million annually in ad valorem taxes when development has been fully completed.

We further assume that the language contained in the above referenced CDMP Policy refers to the various funds of Miami-Dade County, which include the General Fund, the Debt Service Fund, the Unincorporated Municipal Service Area (UMSA) Fund, the Fire Fund and Fire Debt Service Fund and the Library Fund. In this regard, MEAI notes that the two Debt Service Funds pay for financial obligations assumed by the County previously and that development of the subject property will merely allow the County to reduce the amount paid by other property owners to repay the principal and interest associated with those obligations --- clearly a positive fiscal benefit. Development of the subject property will also provide a net fiscal benefit to the Library Fund since it will generate ad valorem taxes for that fund on an annual basis while requiring no direct services from the County's library facilities. Accordingly, the remainder of this analysis will focus on the impact that development of the subject site will have on the County's General Fund, its UMSA Fund and its Fire Fund.

Development of the subject property, like the development of any property, can potentially impact the fiscal condition of the County on a non-recurring basis during the period in which the activities of development are on-going or on recurring basis as development is completed.

#### Non-recurring Fiscal Impact

- During the course of the development of a new project, various government departments will be called upon to review plans and to perform inspections to determine that the project is being constructed in a manner consistent with the

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applicable codes. The County departments involved in these activities charge fees to defray the costs of these activities. The Zoning and Building Departments charge these fees directly while other departments such as the Public Works and the Fire Department receive them indirectly through the Zoning and Building Departments. Accordingly, MEAI does not anticipate that the activities of plan review and construction supervision will place any fiscal burden on the County if the fee schedules were properly formulated. In this regard, a review of the County's current budget indicates that it has done an excellent job generating the user fees required to provide for these services since the Regulatory and Economic Resource Department, which oversees planning, zoning and building, relies on ad valorem taxes collected by the General Fund and the UMSA Fund for less than \$2.2 million, or about 1 percent of its total budget.

- The other way that a new project such as that proposed on the subject property could adversely impact the County fiscally during the period it is being developed would be if it requires infrastructure to be developed at a cost in excess of the impact fees and water and sewer connection fees that it pays. MEAI believes that several points need to be made in this regard, which are as follows:
  - As discussed above, a project, which commenced in February, 2015, is underway to widen Krome Avenue to four lanes and improve it in terms of drainage and safety. As part of that project, improvements are also going to be made to N. Kendall Drive with respect to the alignment of the intersection as well as signage, lighting and signalization. With these improvements as well as others made in conjunction with the development of the adjacent site to the east and the Kendall Town Center Property, it is not anticipated that much, if any, money will need to be spent to improve the roadway system to accommodate the development of the subject property. However, to the extent additional improvements are required, the Applicant, as required by code, will be responsible for the construction of all required roadway improvements and other infrastructure such as the water, sewer and stormwater systems.
  - In addition, the Applicant will pay all applicable impact fees and water and sewer connection fees in accordance with the fee schedules in force at the time the proposed project is permitted. Based on the current fee schedule, it is estimated that impact fees in a total amount of \$6,587,411 will need to be paid, including \$5,842,239 for roads, \$464,998 for fire and \$280,174 for police. Given that the police and fire departments are already providing service to a number of other projects along the south side of N. Kendall Drive between SW 167<sup>th</sup> Avenue and Krome Avenue right up to the doorstep of the subject property, MEAI believes that the impact fees that will be paid should be sufficient to reimburse those departments for the incremental capital expenditures, if any, associated with also providing services to the subject property.

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Recurring Fiscal Impact

- The subject property, when developed, will generate significant amounts of revenue for Miami-Dade County in the form of ad valorem taxes on real and personal property as well as utility taxes and franchise fees, communication taxes and occupational license fees. The table below shows the amount of ad valorem taxes that will be paid on annual basis based on the current rates being charged by the funds enumerated based and assuming an assessed value of \$375.0 million when development of the proposed project is fully completed. The assessed value used in this analysis in turn assumes, based on a review of comparable properties within MSA 6.2, that the land itself would be valued by the County Property Appraiser at \$35.0 million and that improvements would be valued at \$340.0 million. The latter figure is consistent with the estimated hard costs associated with building the proposed structures as well as those that will be incurred installing the requisite tenant improvements and acquiring the furniture, fixture and equipment (FF&E) for the hotel.

<b>Fund</b>	<b>Millage/ \$1,000 Assessed Value</b>	<b>Amount</b>
General Fund	4.6669	\$ 1,750,088
Debt Service Fund	0.4500	\$ 168,750
UMSA Fund	1.9280	\$ 723,000
Fire Fund	2.4207	\$ 907,763
Fire Debt Service Fund	0.0114	\$ 4,275
Library Fund	0.2840	\$ 106,500
<b>Total</b>	<b>9.7610</b>	<b>\$ 3,660,376</b>

Source: Miami-Dade County Property Appraiser; Miami Economic Associates, Inc.

- Based on a review of Miami-Dade County's budget for the current Fiscal Year, MEAI has determined that the County divides its operations into the following categories:
  - Policy Formulation
  - Public Safety
  - Transportation
  - Recreation and Culture
  - Neighborhood and Infrastructure
  - Health and Human Services
  - Economic Development
  - General Government
- Given the size and nature of the project proposed for development on the subject property, MEAI does not believe that it will have any direct meaningful impact on the expenditures the County makes with respect to the following categories of activity:
  - Policy Formulation: Mayor, Board of County Commissioners and County Attorney

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- Recreation and Cultural: Cultural Affairs, Libraries, Parks, Recreation and Open Space and Vizcaya
- Health and Human Services: Community Action and Human Services, Homeless Trust and Public Housing and Community Development<sup>1</sup>
- General Government: Audit and Management Services, Community Information and Outreach, Commission on Ethics and Public Trust, Elections, Finance, Human Resources, Information Technology, Inspector General, Management and Budget, Office of the Property Appraiser, and Internal Services<sup>2</sup>

The categories of activity enumerated above in combination account for approximately 27.4 percent of all the funds that will be expended from the General Fund in the current Fiscal Year and 15.5 percent of those that will be expended from UMSA Fund.

- \* Development of the proposed project on the subject site will also not directly impact portions of the activities included in the expenditure categories of Public Safety, Transportation, Neighborhood and Infrastructure and Economic Development. Illustratively:

- Public Safety includes Police which provides services that will definitely be needed by the proposed project and Fire that provides services that could be needed by it. The Police Department is funded by monies from both the General Fund and UMSA Fund while the Fire Department, which receives a relatively small allotment of money from the General Fund, is primarily funded by the Fire Fund. However, Public Safety also includes the County's Corrections Department and its court system as well as Juvenile Services and the Offices of the County Clerk and Medical Examiner, none of which will be directly impacted by the development in any meaningful way, if at all.
- Neighborhood and Infrastructure includes Public Works and Waste Management that undertake activities that could, in fact likely will, be beneficial to the proposed project. It also includes the Water and Sewer Department but it is a proprietary activity that receives no funding from either the General Fund or the UMSA Fund. However, this category of activity also includes the Animal Services which is unlikely to be impacted by the proposed project in any meaningful way, if at all.

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<sup>1</sup> Community Action and Human Services includes Head Start/Early Head Start, Elderly and Disability Services, Family and Community Services, Rehabilitative Services Violence Prevention and Intervention Services, Psychological Services for disadvantaged populations, Energy Programs for rehab and low income housing programs, transportation for children and elders to Head Start and elderly programs, and Employment and Training Services for At-risk youths, farm workers and immigrants as well as the associated administration of the preceding.

<sup>2</sup> Internal Services includes Policy, Legislation and Business Services, Procurement, Fleet Management, Small Business Development, American with Disabilities Act (AD) Coordination, Small Business Development, Facilities and Utility Management, Risk Management, Real Estate Development and Design and Construction Services.

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- Economic Development includes the Miami-Dade Economic Advocacy Trust (MDEAT) and the Department of Regulatory and Economic Resources. As discussed previously, the latter is substantially funded by fees and other sources and will only receive about \$2.2 million this Fiscal Year from the General Fund and no funds from the UMSA Fund. However, MDEAT, which strives to reduce economic disparity within the County's Black and Targeted communities, does receive approximately a half a million dollars from the General Fund. The proposed development will not have any direct fiscal impact on MDEAT.
- Transportation includes the Aviation Department, the Port of Miami and the Citizen's Independent Transportation Trust, all of which are funded from sources other than the General Fund or the UMSA Fund. Transportation also includes all facets of Miami-Dade County's public transportation system including Metrorail, Metromover, Metrobus and Paratransit, which provides administrative support for Special Transportation Services (STS). Clearly given the location of the proposed project and the current alignments of the Metrorail and Metromover Systems, it will not impact or benefit in any meaningful way from their operations, which account for approximately 10 percent of the funds the County spends on Transportation.

The activities identified above as being dissociated with the proposed project on the subject site account for 35.4 percent of the expenditures that will be made from the County's General Fund in the current Fiscal Year. Taking the information presented in this and the preceding bullet in combination, MEAI estimates that the proposed project will not impact in any meaningful activities that account for 62.8 percent of the General Fund expenditures and 15 percent of UMSA Fund expenditures.

- Review of the County's budget for the current fiscal year indicates that ad valorem taxes collected by the General Fund account for approximately 80 percent of the total revenue in that fund in the current Fiscal Year. For the purpose of this analysis, it is assumed that the ad valorem revenues in the General Fund proportionally fund all of the expenses underwritten by that fund. On that basis, only 37.2 percent of the \$1.75 million that will be collected in ad valorem taxes from the proposed project on an annual basis when it is fully developed will be paying for activities underwritten by the General Fund that the project will directly impact and/or require. The remaining 62.8 percent will represent a surplus that will be used to finance activities that the proposed project does not directly impact and/or require. In this regard, development of the proposed project will clearly be fiscally beneficial to Miami-Dade County.

Review of the County's budget for the current fiscal year further indicates that ad valorem taxes account for approximately 26 percent of UMSA Fund revenues. Approximately 50 percent of the remainder will be accounted for by utility taxes, communication taxes, franchise fees and business taxes. As stated above, the proposed project and/or its occupants will produce revenue for the UMSA Fund in these forms as well; however, the amount it/they will generate will be dependent on the specific types and sizes of the occupants of the proposed space and their actual

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usage of utility and communication services. Accordingly, the amounts cannot be estimated at this time. However, from what is now estimable, it appears that 85 percent of the \$723,000 of the ad valorem taxes paid by the proposed project into the UMSA Fund annually when it is fully developed will be used to underwrite activities that it either directly impacts and/or needs while the remaining 15 percent will be a surplus available to pay for activities that it either does not impact directly and/or does not need. Again, it is clear that the proposed project will be fiscally beneficial to the County.

- As discussed above, the activities of the Police Department are underwritten with monies from by the General Fund and UMSA in amounts approximating \$138.2 million and \$312.3 million respectively. MEAI is also aware that there are activities undertaken by the Police Department, such as patrol services in particular, that are highly desired by the owner of a non-residential project such as that proposed on the subject property. The monies used to underwrite patrol services are provided by the UMSA Fund, which allocates more than 82 percent of all its resource to the Police Department. However, it should be noted that substantial portions of the monies that the Police Department obtains from the UMSA fund are used to underwrite specialized police functions such as aviation, motorcycle and marine as well as to provide crowd control, conduct hostage negotiations and canine response. Portions of those funds are also used to conduct centralized specialized criminal investigations with respect to homicides and sexual, domestic, narcotic and economic crimes as well as to operate the crime lab. It is unlikely that the proposed project will use these specialized police functions and investigative units on a frequent basis, if ever. Accordingly, MEAI believes that \$723,000 in ad valorem taxes that will be paid into UMSA Fund on an annual basis after the project is developed should be more than sufficient to defray the incremental cost, if any, of extending patrol services already operating on N. Kendall Drive between SW 167<sup>th</sup> Avenue and Krome Avenue to one additional property.
- As discussed above, the Fire Department, which provides services that a property owner hopes never to use but clearly wants available, is primarily funded by the Fire Fund, currently in the amount of \$279.2 million. The proposed project will pay ad valorem taxes into the Fire Fund in amount exceeding \$900,000 annually when it is fully developed. MEAI believes that this amount should be more than sufficient to defray the incremental costs, if any, to extend fire suppression and rescue services already operating along N. Kendall Drive between SW 167<sup>th</sup> Avenue and Krome Avenue to one additional property.

In summary, MEAI believes that development of the proposed project on the subject property will be fiscally beneficial to Miami-Dade County.

### Closing

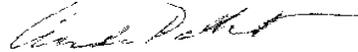
MEAI strongly believes that Application 8 of the May 2015 Cycle meets the relevant criteria set forth in LU-8F, LU-8G and LU-8H for expanding the UDB for a non-residential project

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should be adopted in order that that subject property can be re-designated Business and Office.

Sincerely,  
Miami Economic Associates, Inc.



Andrew Dolkart  
President

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# **APPENDIX E**

## **Fiscal Impact Analysis**

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## **Fiscal Impacts On Infrastructure and Services**

On October 23, 2001, the Board of County Commissioners adopted Ordinance No. 01-163 requiring the review procedures for amendments to the Comprehensive Development Master Plan (CDMP) to include a written evaluation of fiscal impacts for any proposed land use change. The following is a fiscal evaluation of Application No. 8 of the May 2015 Cycle Applications to amend the CDMP from County departments and agencies responsible for supplying and maintaining infrastructure and services relevant to the CDMP. The evaluation estimates the incremental and cumulative costs of the required infrastructure and service, and the extent to which the costs will be borne by the property owner(s) or will require general taxpayer support and includes an estimate of that support.

The agencies use various methodologies for their calculations. The agencies rely on a variety of sources for revenue, such as, property taxes, impact fees, connection fees, user fees, gas taxes, taxing districts, general fund contribution, federal and state grants, federal funds, etc. Certain variables, such as property use, location, number of dwelling units, and type of units were considered by the service agencies in developing their cost estimates.

### **Solid Waste Services**

#### Level of Service Standard

The adopted level of service standard (LOS) for the County Public Works and Waste Management System (PWWM) is as follows: to maintain sufficient waste disposal capacity to accommodate waste flows committed to the System through long term contracts or interlocal agreements with municipalities and private waste haulers, and anticipated uncommitted waste flows, for a period of five years. As of FY 2014-15, the PWWM is in compliance with this standard, meaning that there is adequate disposal capacity to meet projected growth in demand, inclusive of the application reviewed here, which is not anticipated to have a negative impact on disposal service.

#### Fiscal Impact for Provision of Solid Waste Services - Concurrency

Since the PWWM assesses capacity on a system-wide basis, it is not practical or necessary to make determinations concerning the adequacy of solid waste disposal capacity on a case-by-case basis. Instead, the PWWM issues a periodic assessment of the County's status in terms of 'concurrency' that is, the ability to maintain the adopted LOS system-wide.

#### Fiscal Impact – Residential Collection and Disposal Service

Currently, the household waste collection fee is \$439 per residential unit, which also covers costs for waste disposal, bulky waste pick-up, illegal dumping clean-up, trash and recycling center operations, curbside recycling and code enforcement.

#### Fiscal Impact – Waste Disposal Capacity and Service

The cost of providing disposal capacity for WCSA customers, municipalities and private haulers is paid for by System users. In FY 2014-15, the PWWM charges a contract disposal rate of \$66.34 per ton to PWWM Collections and those private haulers and municipalities with long-term disposal agreements. The short-term disposal rate is \$87.47 per ton in FY 2014-15.

These rates adjust annually with the Consumer Price Index, South Region. In addition, the PWWM charges a Disposal Facility Fee to private haulers equal to 15 percent of their annual gross receipts, which is used to ensure availability of disposal capacity in the System. Landfill

closure, remediation and long-term care are funded by a portion of the Utility Service Fee charged to all customers of the County's Water and Sewer Department.

### **Water and Sewer**

The Miami-Dade County Water and Sewer Department (WASD) provides for the majority of water and sewer service needs throughout the county. The cost estimates provided herein are preliminary and final project costs will vary from these estimates. The final costs for the project and resulting feasibility will depend on the actual labor and materials costs, competitive market conditions, final project scope implementation schedule, continuity of personnel and other variable factors. The water impact fee was calculated at a rate of \$1.39 per gallon per day (gpd), and the sewer impact fee was calculated at a rate of \$5.60 per gpd. The annual operations and maintenance cost was based on \$1.3766 per 1,000 gallons for water and \$1.7267 per 1,000 gallons for sewer.

The applicant requests a change to the CDMP Land Use Plan map to redesignate the subject ±61.10-gross acre site from "Agriculture" to "Industrial and Office" for Parcel A (51.1 gross acres) and "Business and Office" for Parcel B (10.0 gross acres). The requested designations would allow a maximum development of 1,002,751 square feet of industrial and 128,240 square feet of retail. If the application site is developed with the 750,000 square feet of industrial uses, the water connection charges/impact fees are estimated at \$26,063. Sewer connection charges/impact fees are estimated at \$105,000. The total annual operating and maintenance costs for the industrial development would total \$21,238. Similarly, If the application site is developed with the 100,000 square feet of retail uses, the water connection charges/impact fees are estimated at \$13,900. Sewer connection charges/impact fees are estimated at \$56,000. The total annual operating and maintenance costs for the industrial development would total \$11,327. The estimated costs of installing the required 100 linear feet of 12-inch and 24-inch water mains for the maximum development to connect to the County's regional water system are estimated at \$18,000 and \$1,344,000, respectively. The estimated costs of installing the required 3000 linear feet of 8-inch sewer force main and a pump station 24-inch for the maximum development to connect to the County's regional sewer system are estimated at \$465,000 and \$750,000, respectively, The total potential cost for connecting to the regional water and sewer systems including engineering fees (10%) and contingency fees (15%) is estimated at \$2,288,385

### **Flood Protection**

The Miami-Dade County Division of Environmental and Resources Management (DERM) is responsible for the enforcement of current stormwater management and disposal regulations. These regulations require that all new development provide full on-site retention of the stormwater runoff generated by the development. The drainage systems serving new developments are not allowed to impact existing or proposed public stormwater disposal systems, or to impact adjacent properties. The County is not responsible for providing flood protection to private properties, although it is the County's responsibility to ensure and verify that said protection has been incorporated in the plans for each proposed development. The above noted determinations are predicated upon the provisions of Chapter 46, Section 4611.1 of the South Florida Building Code; Section 24-58.3(G) of the Code of Miami-Dade County, Florida; Chapter 40E-40 Florida Administrative Code, Basis of Review South Florida Water Management District (SFWMD); and Section D4 Part 2 of the Public Works Manual of Miami-Dade County. All these legal provisions emphasize the requirement for full on-site retention of stormwater as a post development condition for all proposed commercial, industrial, and residential subdivisions.

Additionally, DERM staff notes that new development, within the urbanized area of the County, is assessed a stormwater utility fee. This fee commensurate with the percentage of impervious area of each parcel of land, and is assessed pursuant to the requirements of Section 24-61, Article IV, of the Code of Miami-Dade County. Finally, according to the same Code Section, the proceedings may only be utilized for the maintenance and improvement of public storm drainage systems.

Based upon the above noted considerations, it is the opinion of DERM that Ordinance No. 01-163 will not change, reverse, or affect these factual requirements.

### **Public Schools**

The applicant has proffered a covenant that would prohibit residential development on the application site should the application be approved with the acceptance of the proffered covenant. Therefore, Miami-Dade County Public Schools would not be impacted by the application as proposed.

### **Fire Rescue**

The Miami-Dade County Fire and Rescue Department indicates that fire and rescue service in the vicinity of the application site is adequate.

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# **APPENDIX F**

## **Photos of Site and Surroundings**

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The application site viewed southward from Kendall Drive (SW 88 Street)



Agricultural land adjacent to the west of the application site across Krome Avenue (SW 177 Avenue)



Vacant properties to the east of the site with the Kendall Commons TND development under construction in the background



Agricultural land abutting property to the south of application site

# **APPENDIX G**

## **Applicant's Proffered Declaration of Restrictions**

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This instrument was prepared by:

Name: Joseph G. Goldstein, Esq.  
Address: Holland & Knight LLP  
701 Brickell Avenue, Suite 3300  
Miami, FL 33131

2015 AUG -3 A 10: 21  
PLANNING & ZONING  
METROPOLITAN PLANNING SECT

(Space reserved for Clerk)

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**DECLARATION OF RESTRICTIONS**

*WHEREAS, Neighborhood Planning Company, LLC*, (the “Owner”) holds fee simple title to that certain parcel of land in Miami-Dade County, Florida, which is more particularly described in Exhibit "A" to this Declaration (the “Property”);

*WHEREAS*, the Owner has applied for an amendment to the Miami-Dade County Comprehensive Development Master Plan (the “CDMP”) in the May 2015 Cycle (the “Application”); and

*WHEREAS*, the Application seeks to re-designate the Property to “Business and Office” and “Industrial and Office” on the Miami-Dade County Comprehensive Development Master Plan Future Land Use Plan Map (“LUP”).

*NOW, THEREFORE*, in order to assure Miami-Dade County (the "County") that the representations made by the Applicant during the consideration of the Application will be abided by, the Owner freely, voluntarily, and without duress, makes the following Declaration of Restrictions covering and running with the Property:

**1. Permitted Uses; Limitation on Maximum Development.** Notwithstanding the re-designation of the Property to “Industrial and Office” and “Business and Office” on the County’s LUP map, the maximum development of the Property shall not exceed 850,000 square feet of such uses as may be permitted under the Industrial and Office and Business and Office land use designations.

2. **Prohibition on Residential Development.** Notwithstanding the re-designation of the Property to “Industrial and Office” and “Business and Office” on the County’s LUP map, the development of the Property shall not contain any residential dwelling units.

3. **Prohibition on Hazardous Materials.** Notwithstanding the re-designation of the Property to “Industrial and Office” and “Business and Office” on the County’s LUP map, no hazardous materials, as such term is defined in Section 24-5 of the Miami-Dade County Code, but excluding pre-packaged consumer products intended for domestic use, may be generated, stored, disposed of, or handled anywhere within the Property.

4. **Miscellaneous.**

A. **Covenant Running with the Land.** This Declaration on the part of the Owner shall constitute a covenant running with the land and shall be recorded, at the Owner's expense, in the public records of Miami-Dade County, Florida and shall remain in full force and effect and be binding upon the undersigned Owners and their heirs, successors and assigns until such time as the same is modified or released. These restrictions during their lifetime shall be for the benefit of, and limitation upon, all present and future owners of the real property and for the benefit of Miami-Dade County and the public welfare. The Owners, and their heirs, successors and assigns, acknowledge that acceptance of this Declaration does not in any way obligate or provide a limitation on the County.

B. **Term.** This Declaration of Restrictions is to run with the land and shall be binding on all parties and all persons claiming under it for a period of thirty (30) years from the date this Declaration of Restrictions is recorded, after which time it shall be extended automatically for successive periods of ten (10) years each, unless an instrument signed by

the, then, owner(s) of the Property has been recorded in the public records agreeing to change the Declaration of Restrictions in whole, or in part, provided that the Declaration of Restrictions has first been modified or released by Miami-Dade County.

**C. Modification, Amendment, Release.** This Declaration of Restrictions may be modified, amended or released as to the land herein described, or any portion thereof, by a written instrument executed by the then owner(s) of the Property, provided that the same is also approved by the Board of County Commissioners of Miami-Dade County, Florida; provided, however, that the approval of the deletion of the prohibition against residential dwelling units contained in Paragraph 2 of this Declaration shall require the affirmative vote of 2/3 of the membership of the Board of County Commissioners. Any such modification, amendment or release shall be subject to the provisions governing amendments to Comprehensive Plans, as set forth in Chapter 163, Part II, Florida Statutes or successor legislation which may, from time to time, govern amendments to comprehensive plans (hereinafter "Chapter 163"). Such modification, amendment or release shall also be subject to the provisions governing amendments to comprehensive plans as set forth in Section 2-116.1 of the Code of Miami Dade County, Florida or successor regulation governing amendments to the CDMP. In the event that the Property is incorporated within a new municipality or annexed into an existing municipality, and the successor municipality amends, modifies, or declines to adopt the provisions of Section 2-116.1 of the Code of Miami-Dade County, Florida, then modifications, amendments or releases of this Declaration shall be subject to Chapter 163 and the provisions of such ordinances as may be adopted by such successor municipality for the adoption of amendments to its comprehensive plan; or, in the event that the successor municipality

does not adopt such ordinances, subject to Chapter 163 and by the provisions for the adoption of zoning district boundary changes. It is provided, however, that in the event that the successor municipality approves a modification or deletion of this Declaration of Restrictions, such modification or deletion shall not be effective until approved by the Board of County Commissioners of Miami-Dade County, Florida in accordance with applicable procedures. Should this Declaration be so modified, amended, or released, the Director of the Department of Regulatory and Economic Resources or the executive officer of a successor department, or, in the absence of such Director or executive officer, by his/her assistant in charge of the office in his/her absence, shall execute a written instrument effectuating and acknowledging such modification, amendment, or release.

**D. Enforcement.** Enforcement shall be by action against any parties or person violating, or attempting to violate, the covenants. The prevailing party in any action or suit pertaining to or arising out of this Declaration of Restrictions shall be entitled to recover, in addition to costs and disbursements allowed by law, such sum as the Court may adjudge to be reasonable for the services of his attorney. This enforcement provision shall be in addition to any other remedies available at law, in equity, or both.

**E. Authorization of Miami-Dade County (or successor municipality) to Withhold Permits and Inspections.** In the event the terms of this Declaration of Restrictions are not being complied with, in addition to any other remedies available, the County (or any successor municipality) is hereby authorized to withhold any further permits, and refuse to make any inspections or grant any approvals, until such time as this Declaration of Restrictions is complied with.

F. **Election of Remedies.** All rights, remedies, and privileges granted herein shall be deemed to be cumulative and the exercise of any one or more shall neither be deemed to constitute an election of remedies, nor shall it preclude the party exercising the same from exercising such other additional rights, remedies, or privileges.

G. **Presumption of Compliance.** Where construction has occurred on the Property or any portion thereof, pursuant to a lawful permit issued by the County (or any successor municipality), and inspections made and approval of occupancy given by the County (or any successor municipality), then such construction, inspection, and approval shall create a rebuttable presumption that the buildings or structures thus constructed comply with the intent and spirit of this Declaration of Restrictions.

H. **County Inspection.** As further part of this Declaration of Restrictions, it is hereby understood and agreed that any official inspector of Miami-Dade County, Florida, or its agents duly authorized, may have the privilege at any time during normal working hours of entering and inspecting the use of the premises to determine whether the requirements of the building and zoning regulations and the conditions herein agreed to are being complied with.

I. **Severability.** Invalidation of any one of these covenants by judgment of Court shall not affect any of the other provisions which shall remain in full force and effect. However, if any material portion is invalidated, the County shall be entitled to revoke any approval predicated upon the invalidated portion.

J. **Recordation and Effective Date.** This Declaration of Restrictions shall be filed of record in the public records of Miami-Dade County, Florida at the cost of the Owner(s) following the approval of the Application by the Board of County

Commissioners of Miami-Dade County, Florida. This Declaration of Restrictions shall become effective immediately upon recordation. Notwithstanding the previous sentence, if any appeal is filed, and the disposition of such appeal results in the denial of the application, in its entirety, then this Declaration of Restrictions shall be null and void and of no further effect. Upon the disposition of an appeal that results in the denial of the Application, in its entirety, and upon written request, the Director of the Department of Regulatory and Economic Resources or the executive officer of the successor of said department, or in the absence of such director or executive officer by his/her assistant in charge of the office in his/her absence, shall forthwith execute a written instrument, in recordable form, acknowledging that this Declaration of Restrictions is null and void and of no further effect.

**K. Acceptance of Declaration.** Acceptance of this Declaration of Restrictions does not obligate the County in any manner, nor does it entitle the Owner(s) to a favorable recommendation or approval of any application, zoning or otherwise, and the County retains its full power and authority to, with respect to the Property, deny each such application in whole or in part and to decline to accept any conveyance.

**L. Owners.** The term "Owner" shall include the Owner and their successors and assigns.

**[Signature Page Follow]**

IN WITNESS WHEREOF, we have executed this Declaration of Restrictions as of this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

**WITNESSES:**

NEIGHBORHOOD PLANNING COMPANY, LLC, a Florida limited liability company

\_\_\_\_\_  
Signature

By: NPC Management, LLC, a Florida limited liability company

\_\_\_\_\_  
Print Name

By: \_\_\_\_\_

\_\_\_\_\_  
Signature

Name: Armando Guerra  
Title: Manager of NPC Management, LLC

\_\_\_\_\_  
Print Name

STATE OF FLORIDA            )  
  ) SS  
COUNTY OF MIAMI-DADE    )

The foregoing instrument was acknowledged before me by Armando Guerra, as manager of NPC Management, LLC, as manager of Neighborhood Planning Company, LLC, and for the purposes stated herein on behalf of Neighborhood Planning Company, LLC. He is personally known to me or has produced \_\_\_\_\_ as identification.

Witness my signature and official seal this \_\_\_\_\_ day of \_\_\_\_\_, 2015, in the County and State aforesaid.

**My Commission Expires:**

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Printed Name

EXHIBIT "A"

LEGAL DESCRIPTION

Folio Nos. 30-4931-001-0400  
30-4931-001-0410  
30-4931-001-0540  
30-4931-001-0570

A PORTION OF LAND LYING IN TRACTS 41, 42, 56, 57 AND ALL OF TRACTS 55 AND 58, OF MIAMI EVERGLADES LAND CO. LTD., RECORDED IN PLAT BOOK 2 AT PAGE 3 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, SAID PORTION OF LAND LYING WITHIN SECTION 31, TOWNSHIP 51 SOUTH, RANGE 39 EAST, IN MIAMI-DADE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF SAID SECTION 31, THENCE N02°13'21"W 548.25 FEET, ALONG THE WEST LINE OF SAID SECTION 31, TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF SW 177th AVENUE (KROME AVENUE-STATE ROAD No. 997), SAID POINT ALSO BEING THE BEGINNING OF A NON-TANGENT CURVE CONCAVE TO THE WEST HAVING A RADIUS OF 5804.58 FEET WHICH BEARS A RADIAL LINE S83°00'07"E; THENCE NORTHERLY 934.11 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 9°13'14"; THENCE ALONG A TANGENT LINE, N02°13'21"W 381.92 FEET, TO THE INTERSECTION WITH THE SOUTH RIGHT-OF-WAY LINE FOR S.W. 88th STREET (KENDALL DRIVE); THENCE ALONG THE SAID SOUTH RIGHT-OF-WAY LINE, N69°44'52"E 573.06 FEET, TO THE BEGINNING OF A TANGENT CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 1854.88 FEET; THENCE SOUTHEASTERLY 694.31 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 21°26'49"; THENCE DEPARTING THE SAID SOUTH RIGHT-OF-WAY LINE, S02°13'48"E 1687.70 FEET, TO A POINT ON THE SOUTH LINE OF SAID SECTION 31; THENCE ALONG THE PREVIOUSLY DESCRIBED LINE, S87°43'33"W 1321.34 FEET, TO THE POINT OF BEGINNING. CONTAINING 53.4 ACRES MORE OR LESS